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**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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CINDY LEE GARCIA,  
Plaintiff-Appellant

v.

GOOGLE, INC., YOUTUBE LLC, et al., Defendants-Appellees

and

NAKOULA BASSELEY NAKOULA, an individual, a.k.a. Sam Bacile, et al.,  
Defendants.

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On Appeal from the United States District Court  
for the Central District of California  
D.C. No. 2:12-cv-08315-MWF-VBK

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**APPELLANT'S EXCERPTS OF RECORD**

**Volume 1 of 4**

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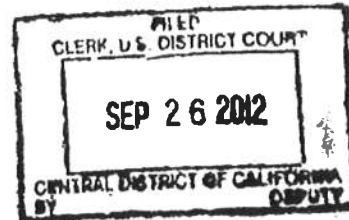
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11 Attorneys for Plaintiff  
 12 Cindy Lee Garcia

13 UNITED STATES DISTRICT COURT  
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 CINDY LEE GARCIA, an individual,  
 16 Plaintiff,

17 vs.

18 NAKOULA BASSELEY NAKOULA,  
 19 an individual also known as SAM  
 20 BACILE; GOOGLE, INC., a Delaware  
 21 Corporation; YOUTUBE, LLC, a  
 22 California limited liability company, and  
 23 DOES 1 through 10, inclusive.

24 Defendants.

Case No.

CV 12-8315

mwf  
(VBK)

COMPLAINT FOR:

1. Direct Infringement of Copyright
2. Secondary Infringement of Copyright
3. Fraud
4. Unfair Business Practices
5. Libel
6. Intentional Infliction of Emotional Distress

[Demand For Jury Trial]

COPY

1 Plaintiff Cindy Lee Garcia ("Garcia"), by and through her counsel, on personal knowledge  
 2 as to her own actions and information and belief as to the actions, capabilities and motivation of  
 3 others, hereby alleges as follows:

#### 4 NATURE OF CASE

5 1. On July 2, 2012, Defendant Nakoula Basseley Nakoula ("Nakoula") uploaded a 14-  
 6 minute trailer to the Internet, via YouTube.com, entitled "Innocence of Muslims," (the "Film")  
 7 making it available for the entire world to see. On or about September 11, 2012, the film gained  
 8 worldwide recognition after it was translated into Arabic and posted on YouTube.com. On or  
 9 around September 11, 2012, an Arabic translation of the film was posted on YouTube, where it  
 10 became the object of attention in many countries, especially those that are predominantly Muslim.

11 2. In the Film, Mohammed, the founder of the Islamic religion, is painted in a light  
 12 that is considered to be blasphemous by many Muslims. Specifically, the Film portrays as a child  
 13 molester, sexual deviant, and barbarian. Immediately after the Film received worldwide  
 14 recognition as described above, violence erupted in the Middle East. The violence included an  
 15 attack on the United States Consulate in Benghazi, Libya, resulting in the deaths of four  
 16 Americans, including United States Ambassador Christopher Stevens and two ex-Navy SEALs.

17 3. Violence has continued to erupt across the world, resulting in dramatic events that  
 18 have unfolded worldwide, including in Afghanistan, Algeria, Australia, Azerbaijan, Bahrain,  
 19 Bangladesh, Belgium, Canada, Denmark, Egypt, France, Greece, Hong Kong, India, Indonesia,  
 20 Iran, Iraq, Israel, Japan, Jordan, Lebanon, Kuwait, Macedonia, Malaysia, the Maldives,  
 21 Mauritania, Morocco, the Netherlands, Niger, Nigeria, Oman, Pakistan, the Palestinian territories,  
 22 the Philippines, Qatar, Saudi Arabia, Serbia, Somalia, Sri Lanka, Sudan, Switzerland, Syria,  
 23 Thailand, Tunisia, Turkey, and the United Kingdom. The Film has been attributed worldwide as  
 24 directly responsible for the resulting violence. United States Secretary of State Hillary Clinton  
 25 has condemned the Film, calling it "disgusting and reprehensible." President Barack Obama has  
 26 asked YouTube to review taking down the Film, but has taken no court action.

27 4. Plaintiff is an actress who appears in the Film. In the English version of the Film,  
 28 at minute 9:03, Plaintiff appears to accuse "your Mohammed" of being a "child molester." These

1 are words that Plaintiff *never spoke*. In fact, Plaintiff was led to believe that she was appearing in  
2 a film titled *Desert Warrior*. According to the casting call to which Plaintiff responded, *Desert*  
3 *Warrior* was an adventure film set in ancient times. Plaintiff was cast in the part of a mother of  
4 young child who was to be married to a character named "Master George." At no time during the  
5 filming of *Desert Warrior* was Plaintiff aware of *any* religious or sexual content. Indeed, while  
6 on-set, most of Plaintiff's scenes involved playing with the actress who portrayed her "daughter."  
7 The words, "Is Mohammed a child molester," which are attributed to Plaintiff's character, were  
8 words that she *never* uttered on set or during filming. It is obvious that the words heard on the  
9 Film are not consistent with the way in which Plaintiff's mouth moved – making it obvious that  
10 she never uttered those words. These are words that Plaintiff finds repugnant, vile, and hostile and  
11 would never say in *any* context, even during the course of a performance. Plaintiff is an ordained  
12 minister and would never debase another person's religious beliefs. It is not in her character, and  
13 the thought that she would blaspheme *any* religion or god is profoundly distressing to her.

14 5. When Plaintiff was first cast in *Desert Warrior*, she received pages of the script  
15 from Defendant Nakoula, who identified himself as "Sam Bacile." Defendant Nakoula held  
16 himself out as the writer and producer of the Film. He managed all aspects of production, and as  
17 far as Plaintiff observed, was in charge of all aspects of the production. During filming,  
18 Defendant Nakoula gave Plaintiff his telephone number. The pages of *Desert Warrior* script that  
19 Plaintiff kept are attached heretoe as Exhibit A.

20 6. Plaintiff believes she signed a contract, but only one that ensured that she would  
21 receive IMBD credit for her performance in "Desert Warrior," primarily because Plaintiff is a non-  
22 union actor. She has been unable to locate a copy of any such contract. She is making diligent  
23 efforts to obtain a copy either from Defendant Nakoula or from other actors who appeared in the  
24 production. So far, she has not been able to locate a copy. She does recall that the contract did  
25 *not* call for her to transfer any rights, including any copyrights, and that it was not a "work for  
26 hire" agreement.

27 7. In any event, even if Plaintiff did sign a contract (in a form unknown to her at this  
28 time, if it exists), Plaintiff contends that any such release is invalid because, no matter what its





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1 terms, it was procured by Defendant Nakoula's fraud, deception and misrepresentations. Further,  
2 it is the *Defendants'* burden to produce such a release and submit it as evidence, *not* Plaintiff's  
3 burden.

4 8. Despite the fact that Plaintiff was led to believe that she was providing a dramatic  
5 performance in an adventure film titled *Desert Warrior*, when the Film was released publicly on  
6 YouTube, her depicted performance was grotesquely different than the performance that Plaintiff  
7 actually had delivered. Specifically, the innocuous lines that Plaintiff delivered on set were  
8 overdubbed so as to give the appearance that she was accusing the Islamic religious figure  
9 Mohammed of being a child molester and a sexual deviant. In short, Defendant Nakoula used her  
10 as a puppet. The words that were put into Plaintiff's mouth are so offensive, not only to Plaintiff  
11 but to millions worldwide, that it sparked a riots and violence around the globe. In the Film,  
12 Plaintiff is depicted to be a bigot and to hold beliefs that are not only anti-Islamic, but antithetical  
13 to Plaintiff's world view.

14 9. Plaintiff would never have, and in fact did not, agree to place her likeness, image,  
15 persona, nor her dramatic performance into a hateful production or to be associated with hate  
16 speech in any form or fashion.

17 10. Aside from the fallout that occurred after Plaintiff's performance was distorted and  
18 disguised, it is clear that Plaintiff has a copyright claim in the dramatic performance she delivered  
19 and which was fixed in tangible form when it was filmed during the production of "Desert  
20 Warrior." Because she did not assign her rights in her dramatic performance, or her copyright  
21 interests, nor was the Film a "work for hire," her copyright interests in her own dramatic  
22 performance remain intact.

23 11. Plaintiff has filed an application for federal copyright registration for the rights in  
24 her dramatic performance "Desert Warrior." The application is pending; Plaintiff has requested  
25 that the Copyright Office expedite it. Whether or not the Copyright Office has yet acted upon  
26 Plaintiff's application, federal law creates a copyright when the copyright is created, not upon  
27 registration. A true and correct copy of Plaintiff's copyright application, which identifies the  
28 works that are the subject of Plaintiff's copyright, is attached as Exhibit B.

(1) YouTube accounts “must provide accurate and complete information”; (2) the user of YouTube “will comply with all applicable laws”; (3) in uploading content the user must “affirm, represent, and warrant that you own or have the necessary licenses, rights, consents, and permissions to publish Content you submit; and you license to YouTube all patent, trademark, trade secret, copyright or other proprietary rights in and to such Content for publication on the Service pursuant to these Terms of Service”; and (4) YouTube does not “permit hate speech (speech which attacks or demeans a group based on race or ethnic origin, religion, disability, gender, age, veteran status, and sexual orientation/gender identity).” Plaintiff previously requested that YouTube take down the Film because it constitutes hate speech and because the unauthorized, dubbed depiction of her violates California state laws pertaining to her right to privacy and right to control the use of her likeness, among other protected rights that continued exhibition of the Film violates. YouTube refused Plaintiff’s request.

13. Plaintiff has issued five DMCA “takedown notices” to Defendants YouTube and Google, who, by rebroadcasting the Film 24 hours a day, 7 days a week, also are infringing Plaintiff’s protected rights in her performance, which fell within the scope of protection of copyright laws the instant her dramatic performance was fixed on film. YouTube and Google have thus far refused to expeditiously remove or disable the infringing content.

19 **GENERAL ALLEGATIONS**

20      **A.      Jurisdiction and Venue**

21 14. This is a civil action seeking damages and injunctive relief for copyright  
22 infringement under the copyright laws of the United States, 17 U.S.C. § 101 et seq. Plaintiff also  
23 seeks damages and injunctive relief under California state law, were not preempted by Federal  
24 law.

15. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1338(a) (jurisdiction over copyright actions), 28 U.S.C. § 1338(b) action asserting a state claim of unfair competition joined with a substantial and related

1 federal claim under the patent, copyright, or trademark laws), 28 U.S.C. § 1367 (supplemental  
2 jurisdiction), and the doctrines of ancillary and pendent jurisdiction.

3 16. This Court has personal jurisdiction over Defendants because all Defendants have  
4 “continuous, systematic” ties to California, and/or reside in California.

5 17. Venue in this District is proper because a substantial part of the acts and omissions  
6 giving rise to the claims occurred in this district.

7 **B. The Parties**

8 18. Plaintiff Cindy Lee Garcia is an individual and at all relevant times herein was a  
9 resident of Kern County, California.

10 19. Defendant Nakoula Basseley Nakoula, also known as Sam Bacile (“Defendant  
11 Nakoula” or “Bacile”) is an individual and at all relevant times herein as a resident of Los Angeles  
12 County, California.

13 20. Defendant Google, Inc., is a corporation incorporated in Delaware with its principal  
14 place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043. Google  
15 conducts business throughout California, the nation, and the world.

16 21. Defendant YouTube, LLC, is a Google-owned California limited liability company.  
17 YouTube conducts business throughout California, the nation, and the world.

18 22. Plaintiff lacks knowledge of the true names and capacities of the defendants sued  
19 herein as DOES 1 through 200, inclusive, and therefore sues these defendants by such fictitious  
20 names. DOES 1-150 are unidentified posters of the film, as further described below. DOES 151-  
21 200 are individuals who assisted in the production of the film, as further described below.  
22 Plaintiff will amend this complaint to allege their true names and capacities when they have been  
23 ascertained.

24 23. At all relevant times, each defendant was the agent of each of the other defendants  
25 and was acting within the course and scope of such agency. Defendants are jointly and severally  
26 liable to Plaintiff.

27  
28

25. Plaintiff is informed and believes that each of the defendants was the agent or employee of each of the remaining defendants and, at all relevant times herein, acted within the course and scope of such agency and/or employment.

26. Plaintiff Garcia is an ordained minister and actress. Garcia works in film.

27. In July of 2011, Plaintiff Garcia responded to a casting call for a film titled "Desert Warrior," which was represented to be an "historical Arabian Desert adventure film." She was cast in the Film. The producers of the film, including DOES 151-200, and Defendant Nakoula, intentionally concealed the purpose and content of the film.

28. Ms. Garcia was given only specific pages of a script titled *Desert Warrior*. There was no mention of "Mohammed" during filming or on the set. There were no references made to religion nor was there any sexual content of which Ms. Garcia was aware. The purported writer and producers of *Desert Warrior*, Defendant Nakoula a/k/a "Sam Bacile," represented to Plaintiff that the Film was indeed an adventure film and about ancient Egyptians. Based on those specific representations made, her parts of the script, and the manner in which the Film was shot, Plaintiff agreed to deliver an acting performance for "Desert Warrior."

29. On July 2, 2012, Defendant Nakoula published a video titled *The Innocence of Muslims* (the "Film") to the Internet site [www.youtube.com](http://www.youtube.com), making the Film available publicly and globally. The Film includes Plaintiff's acting work from *Desert Warrior* and has been changed horrifically to make it appear that Ms. Garcia voluntarily performed in a hateful anti-Islamic production. The Film is vile and reprehensible. Plaintiff was unaware of the vile content contained in the Film, as the content and overall purpose of the Film was concealed from her, and others who appear in the Film, at all times by Defendant Nakoula and DOES 151 through 200. This lawsuit is not an attack on the First Amendment, nor on the right of Americans to say what they think, but does request that the offending content be removed from the Internet because not

1 only it is not speech protected by the First Amendment, it violates Plaintiff Garcia's copyright in  
2 her performance.

3 30. Based on information and belief, in around September of 2012, Defendant Nakoula  
4 published the Film, with the voices of Plaintiffs and her cast mates dubbed into Arabic, on  
5 YouTube. The availability of the Film in Arabic has set off protests and violence first in the  
6 Middle East, then worldwide. That violence resulted in the assassination of four embassy officials  
7 in Libya, including United States Ambassador Christopher Stevens. On information and belief,  
8 Defendant YouTube has made an editorial decision to block the Film from being shown on  
9 computers located in Libya, Saudi Arabia, India, Indonesia, and Egypt, but not to block it from  
10 being shown in most of the other countries in the world.

11 31. The content of the actors' words in Arabic is currently not known to Plaintiff.

12 32. After the Film was published on YouTube, Plaintiff received death threats, which  
13 have increased in numerosity and threat level, despite Plaintiff's efforts to publicly clear her name.

14 33. After the Film was published on YouTube, Plaintiff's family, fearing for their own  
15 safety, informed her that she was no longer permitted to see her grandchildren, whom she  
16 previously babysat regularly.

17 34. After the Film was published on YouTube, Plaintiff's life changed substantially as  
18 a direct result of the Film, in as much as she is now considered a target and the safety of those in  
19 her presence cannot be guaranteed.

20 35. On September 19, 2012, an Egyptian Cleric issued a fatwa against Ms. Garcia: "I  
21 issue a fatwa and call on the Muslim Youth in American and Europe to do this duty, which is to  
22 kill the director, the producer and the actors and everyone who helped and promoted the film."

23 36. Plaintiff requested that Google remove the Film from the YouTube Website. Her  
24 request was purportedly passed on to the "YouTube team." The "YouTube team" refused to  
25 remove the content, despite her privacy concerns.

26 37. On September 24 and 25, 2012, Plaintiff issued five "takedown notices" to  
27 Defendants Google and YouTube pursuant to the Digital Millenium Copyright Act. The notices  
28 informed Defendants Google and YouTube that their continued broadcast of the Film on YouTube

1 violated Plaintiff's copyright in her performance. The takedown notices identified an aggregate of  
 2 171 URLs to be taken down. Defendants Google and YouTube have refused to expeditiously  
 3 remove or disable the infringing content, despite requests that it do so. A true and correct copy of  
 4 the DMCA notices is attached as Exhibit C.

5 38. As a result of Defendant Nakoula's falsification of her words in the Film, and  
 6 Defendants Google and YouTube's refusal to remove the video from the Internet, Plaintiff has  
 7 suffered the violation of her copyright in her performance, severe emotional distress, the  
 8 destruction of her career and reputation, the loss of her family and her livelihood, and other  
 9 financial and non-pecuniary damage. She has been subjected to credible death threats and is in  
 10 fear for her life and the life and safety of anyone associated with her.

11 39. Despite the suggestions of Defendants and their lawyers that Plaintiff go into  
 12 hiding, she refuses to do so, because she refuses to become a victim of terrorism and Defendant  
 13 Nakoula's lies. Her courage in coming forward to clear her name and to tell the world that she  
 14 does not condone the Film, its message, nor would have ever participated in such an effort is what  
 15 Plaintiff believes is keeping her alive. Persons around the world, including Muslims, have  
 16 reached out to her to thank her for taking a strong, public and brave stand against the Film's  
 17 message, at great peril to herself.

### 18 **FIRST CAUSE OF ACTION**

#### 19 **Direct Infringement of Copyright**

#### 20 **Against All Defendants**

21 40. Plaintiff repeats and realleges paragraphs 1 through 39 of this Complaint as though  
 22 set forth in full.

23 41. Plaintiff has properly applied to register, and she owns and controls, the copyright  
 24 in her performance in *Desert Warrior a/k/a Innocence of Muslims*.

25 42. Without authorization from Plaintiff, or any right under law, Defendants, via  
 26 YouTube, have unlawfully distributed Plaintiff's copyrighted performance millions of times, by  
 27 transmitting unauthorized copies of those works to YouTube users upon demand in violation of  
 28 the Copyright Act, 17 U.S.C. § 106.



1           43. Defendant Nakoula is directly liable for these acts of infringement under the  
2 Copyright Act. It was Defendant Nakoula who initially posted an infringing copy of Plaintiff's  
3 performance onto YouTube without authorization.

4           44. Defendant YouTube is directly liable for these acts of infringement under the  
5 Copyright Act. The infringing file resides on servers controlled by Google and YouTube. Google  
6 and YouTube cause and affect the infringing act of transmitting copies of Plaintiff's performance  
7 works from their servers to the computers of their users. Moreover, YouTube does more than  
8 merely respond to user requests in a passive, content-neutral, and automated manner. As set forth  
9 above, *supra* paragraph 30, YouTube has played an active role in determining the countries in  
10 which the Film will be made available, so that the maximum number of YouTube users will access  
11 the infringing content. Thus, YouTube is actively involved in creating the supply of infringing  
12 content, making that content broadly available for distribution to the worldwide public at large,  
13 and physically transmitting and distributing that infringing content to users. It further exercises  
14 active control over the distribution process, in exercising editorial control over where it will and  
15 will not make the Film available. For these reasons, among others, YouTube engages in active  
16 conduct in unlawfully distributing Plaintiff's copyrighted performance to its users. In order to  
17 facilitate and expedite distribution of infringing files to YouTube users, YouTube also makes  
18 additional unauthorized copies of Plaintiff's copyrighted performance on its own servers in  
19 violation of the Copyright Act, 17 U.S.C. § 106. These unauthorized copies are not made by or at  
20 the request of YouTube users, but rather through the decisions and actions of YouTube for its own  
21 business purposes.

22           45. Defendant Google is jointly and severally liable for each act of YouTube's direct  
23 infringement because it directed and participated in, and benefited from, YouTube's infringing  
24 conduct as alleged herein, and its corporate policies have been the guiding spirit behind and  
25 central figure in YouTube's infringing activities. Further, Google earns advertising revenue from  
26 traffic directed to the YouTube site.

27           46. Defendants DOES 1-200 are likewise liable under the Copyright Act for the acts of  
28 infringement identified above for acting in concert with Defendants to post infringing copies of

1 Plaintiff's performance without authorization, to operate YouTube and/or for infringing  
 2 reproductions and distributions of Plaintiff's copyrighted performance separately committed by  
 3 defendants DOES 1-200.

4 47. The foregoing acts of infringement by Defendants have been willful, intentional  
 5 and purposeful, in disregard of and indifferent to Plaintiff's rights.

6 48. As a direct and proximate result of Defendants' infringement of Plaintiff's  
 7 exclusive rights under copyright, Plaintiff is entitled to damages as well as Defendants' profits  
 8 pursuant to 17 U.S.C. § 504(b), including but not limited to advertising revenues resulting from  
 9 the placement of embedded advertisements in the Film as posted on YouTube.com.

10 49. Alternatively, Plaintiff is entitled to the maximum statutory damages, in the amount  
 11 of \$150,000 per infringement, pursuant to 17 U.S.C. § 504(c), or for such other amount as may be  
 12 proper pursuant to 17 U.S.C. § 504(c).

13 50. Plaintiff further is entitled to her attorneys' fees and full costs pursuant to 17 U.S.C.  
 14 § 505.

15 51. Defendants' conduct is causing, and unless enjoined and restrained by this Court  
 16 will continue to cause, Plaintiff great and irreparable injury that cannot fully be compensated for  
 17 or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C.  
 18 § 502, Plaintiff is entitled to a preliminary and permanent injunction prohibiting further  
 19 infringements of her copyright and exclusive rights under copyright.

## 20 **SECOND CAUSE OF ACTION**

### 21 **Indirect Infringement of Copyright**

#### 22 **Against All Defendants**

23 52. Plaintiff repeats and realleges paragraphs 1 through 51 of this Complaint as though  
 24 set forth in full.

25 53. Users of YouTube have infringed, and continue to infringe, Plaintiff's copyright,  
 26 including without limitation those copyrighted works identified in Exhibit B, by reproducing and  
 27 distributing works owned by Plaintiff through YouTube, without authorization from Plaintiff, or  
 28 right under law, in violation of the Copyright Act, 17 U.S.C. § 106. Defendants are liable as

1 secondary infringers under the Copyright Act for each infringing reproduction and distribution of  
2 Plaintiff's performance by YouTube users.

3 54. Defendants YouTube and Google are liable under the Copyright Act for inducing  
4 the infringing acts of YouTube users. As set forth above, Defendants YouTube and Google  
5 operate YouTube and provide the YouTube website and service to their users, with the object of  
6 promoting the use of YouTube to infringe Plaintiff's copyrighted performance, as shown by  
7 YouTube's clear expression and other affirmative steps to foster infringement. As set forth above,  
8 Defendants YouTube and Google's inducement of copyright infringement is evident from, among  
9 other things: (i) the continuing infringing content available on YouTube; (ii) technical measures  
10 designed to facilitate the widespread dissemination of Plaintiff's copyrighted content, even after  
11 she has requested takedown of the infringing content; and (iii) Defendants' failure to use any of  
12 the readily-available means to curtail infringement on the YouTube website. Defendants Google  
13 and YouTube, therefore, are liable for inducing the unauthorized reproduction and distribution of  
14 Plaintiff's copyrighted work in violation of the Copyright Act, 17 U.S.C. § 106.

15 55. Defendant YouTube is separately liable under the Copyright Act for the infringing  
16 acts of its users as a contributory copyright infringer. Defendant YouTube had actual and  
17 constructive knowledge of massive copyright infringement of Plaintiff's copyrighted performance  
18 by YouTube users, including, without limitation, by means of repeated notices by Plaintiff  
19 concerning the infringing files. Indeed, YouTube has full knowledge that it is being used  
20 continuously to infringe Plaintiff's rights as a copyright owner. Notwithstanding that knowledge,  
21 Defendant YouTube continues to provide a material contribution to that infringement as set forth  
22 above, including without limitation by (i) operating, maintaining and further developing the  
23 YouTube website and service so as to facilitate YouTube users' infringement of Plaintiff's  
24 copyright, (ii) storing infringing content on its servers and making reproductions of such works for  
25 faster distribution, and (iii) making multiple copies of Plaintiff's copyrighted work to enable users  
26 to quickly access Plaintiff's copyrighted work. Without the active contributions from defendant  
27 YouTube, the infringement complained of herein could not have taken place at all, and certainly  
28 not on the massive scale enabled by Defendants' actions. Defendant YouTube is, therefore,

1 contributorily liable for the unauthorized reproduction and distribution of Plaintiff's copyrighted  
2 works, including those listed on Exhibit B hereto, in violation of the Copyright Act, 17 U.S.C. §  
3 106.

4       56. Defendant YouTube is separately liable under the Copyright Act for the infringing  
5 acts of its users as a vicarious copyright infringer. Defendant YouTube had the right and ability to  
6 supervise and control its users' infringing activity as set forth above, including without limitation  
7 by removing Plaintiff's copyrighted performance from its website, terminating infringing users or  
8 blocking their access to the YouTube website and service, by policing its computer service to  
9 disable access to infringing content, and/or by implementing any number of industry standard  
10 technologies or policies that would have substantially curtailed infringing uses of YouTube. In  
11 addition, at all relevant times Defendant YouTube derived a financial benefit attributable to its  
12 users' copyright infringement, including infringement of Plaintiff's copyright, specifically through  
13 advertising revenues obtained by embedding advertisements into copies of the Film broadcast on  
14 YouTube.com. Defendant YouTube is therefore vicariously liable for the unauthorized  
15 reproduction and distribution of Plaintiff's copyrighted works, including those listed on Exhibit B  
16 hereto, in violation of the Copyright Act, 17 U.S.C. § 106.

17       57. Defendant Nakoula is jointly and severally liable for each act of infringement for  
18 which YouTube is liable because he initially posted the infringing copy of Plaintiff's performance,  
19 thus directing, participating in, and benefitting from YouTube's infringing conduct as alleged  
20 herein.

21       58. Defendants DOES 1-200 are liable under the Copyright Act for the acts of  
22 infringement identified above, for acting in concert with Defendants to operate YouTube and/or  
23 for unlawfully inducing, knowingly facilitating, and profiting from copyright infringement by  
24 YouTube users.

25       59. The foregoing acts of infringement by Defendants have been willful, intentional  
26 and purposeful, in disregard of and indifferent to Plaintiff's rights.

27       60. As a direct and proximate result of Defendants' infringement of Plaintiff's  
28 exclusive rights under copyright, Plaintiff is entitled to damages as well as Defendants' profits

1 pursuant to 17 U.S.C. § 504(b), including but not limited to advertising revenues resulting from  
2 the placement of embedded advertisements in the Film as posted on YouTube.com.

3 61. Alternatively, Plaintiff is entitled to the maximum statutory damages, in the amount  
4 of \$150,000 per infringement, pursuant to 17 U.S.C. § 504(c), or for such other amount as may be  
5 proper pursuant to 17 U.S.C. § 504(c).

6 62. Plaintiff further is entitled to her attorneys' fees and full costs pursuant to 17 U.S.C.  
7 § 505.

8 63. Defendants' conduct is causing, and unless enjoined and restrained by this Court  
9 will continue to cause, Plaintiff great and irreparable injury that cannot fully be compensated for  
10 or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502,  
11 Plaintiff is entitled to a preliminary and permanent injunction prohibiting further infringements of  
12 her copyright and exclusive rights under copyright.

### 13 **THIRD CAUSE OF ACTION**

#### 14 **Fraud**

#### 15 **Against Defendant Nakoula and DOES 151-200**

16 64. The allegations set forth in paragraphs 1 through 63 are realleged and incorporated  
17 herein by reference.

18 65. Defendant Nakoula and DOE Defendants 151-200 represented to Plaintiff that the  
19 Film was an "adventure" film, and that she would be depicted as a benign historical character.

20 66. Defendant Nakoula and DOE Defendants 151-200's representations that he  
21 intended to make an "adventure" film, and that Plaintiff would be depicted as a concerned mother,  
22 were false. Instead, Defendant Nakoula and DOE Defendants 151-200 made an anti-Islam  
23 propaganda film, in which Plaintiff is falsely made to appear to accuse the founder of the Islamic  
24 religion of being a sexual deviant and child molester.

25 67. When Defendant Nakoula and DOE Defendants 151-200 represented to Plaintiff  
26 that he intended to make an "adventure" film, and that her character was merely to express  
27 concern for her child, they knew that the representations were false, or they made the  
28 representations with reckless disregard as to their falsity.

68. Defendant Nakoula and DOE Defendants 151-200 made the misrepresentations with the intent to defraud Plaintiff. In making the misrepresentations, Defendant Nakoula and DOE Defendants 151-200 intended to induce Plaintiff to rely upon the misrepresentations and to act upon them by agreeing to appear in Defendant Nakoula's "adventure" film.

69. At the time Defendant Nakoula and DOE Defendants 151-200 made the misrepresentations, Plaintiff was unaware of the falsity of the misrepresentations. Plaintiff acted in reliance on the truth of the misrepresentations, in that the misrepresentations substantially influenced her actions, and Plaintiff was justified in relying on the misrepresentations.

70. As a direct and proximate result of Defendant Nakoula and DOE Defendants 151-200's intentional misrepresentations, Plaintiff has incurred and will incur substantial damages, in an amount to be determined at trial, and additionally is entitled to an award of punitive damages.

#### **FOURTH CAUSE OF ACTION**

##### **Unfair Business Practices Under Cal. Bus. Prof. Code 17200**

##### **Against Defendant Nakoula and DOES 151-200**

71. The allegations set forth in paragraphs 1 through 70 are realleged and incorporated herein by reference.

72. The aforementioned acts of Defendant Nakoula and the DOE Defendants constitute unfair, fraudulent and/or illegal business practices within the meaning of California's Unfair Competition Law ("UCL"), embodied in Section 17200, et seq. of the California Business and Professions Code.

73. Defendant Nakoula and the DOE Defendants' actions, including fraudulently enticing Plaintiff into appearing in an anti-Islam propaganda film, manipulating the soundtrack of the Film to make it appear that Plaintiff was slandering Islam and Muslim beliefs.

74. Defendant Nakoula and DOE Defendants 151-200's actions were fraudulent in that they deceived Plaintiff as to the true nature of the film project in which she participated, and in that they manipulated Plaintiff's image to create the false appearance of anti-Muslim bigotry by Plaintiff.



1           75. Defendant Nakoula and the DOE Defendants' actions were illegal in that they  
2 violated Section 16600 of the California Business and Professions Code in that the conduct has  
3 made it impossible to practice her trade, profession or occupation.

4           76. Defendant Nakoula and the DOE Defendants' actions were unfair in that, by  
5 fraudulently inducing Plaintiff to appear in *Desert Warrior a/k/a Innocence of Muslims*, and by  
6 rebroadcasting her dubbed and altered performance worldwide, they have made Plaintiff the target  
7 of numerous death threats, and caused her to lose her job and her family, all through no fault of  
8 her own.

9           77. Defendant Nakoula and the DOE Defendants' unfair, deceptive, and fraudulent  
10 practices originated from and/or occurred primarily in California. The decision to dub Plaintiff's  
11 voice to make it appear as though she was spouting inflammatory material about Islam was made  
12 in California. The decision to refuse to remove the Film from YouTube was made in California.

13           78. Pursuant to California Business & Professions Code Section 17203, Plaintiff seeks  
14 an order of this Court permanently enjoining Defendant Nakoula and the DOE Defendants from  
15 continuing to engage in the unlawful, unfair, and fraudulent conduct described herein. Plaintiff  
16 seeks an order requiring Defendant Nakoula and the DOE Defendants to: (1) immediately cease  
17 the unlawful, unfair, and fraudulent practices stated in this Complaint; and (2) award Plaintiff  
18 reasonable costs and attorneys' fees pursuant to California Code of Civil Procedure Section  
19 1021.5.

20           79. By reason of the alleged acts and conduct of Defendants, Plaintiff has suffered and  
21 will suffer further harm, including the loss of employment, the loss of her family, and the fear of  
22 violent retribution. Plaintiff is fully entitled to her remedies allowed under the UCL, including  
23 restitution for her lost wages and the cost of security protection for herself and her family.

#### 24                                   **FIFTH CAUSE OF ACTION**

#### 25                                   **Against Nakoula and DOES 151-200**

#### 26                                   **Libel**

27           80. The allegations set forth in paragraphs 1 through 79 are realleged and incorporated  
28 herein by reference.

1           81. By making and republishing the Film, Defendant Nakoula and the DOE Defendants  
2 made a statement of and concerning Plaintiff or words that suggest that Plaintiff approved the  
3 finished product and message of the Film, and stating that Plaintiff said blasphemous words,  
4 which she did not.

5           82. The statements are false as they pertain to Plaintiff. In making these statements,  
6 Defendant Nakoula and the DOE Defendants knew or should have known that Plaintiff has never  
7 called the founder of Islam a child molester.

8           83. Furthermore, these statements are defamatory because they carry the meaning that  
9 Plaintiff is a religious bigot.

10          84. The statements have been understood by those who saw and heard them on  
11 YouTube to mean that Plaintiff it a religious bigot.

12          85. Plaintiff is informed and believes and thereon alleges that the statements that  
13 Defendant Nakoula, along with DOE Defendants 151-200, literally "put in her mouth," which  
14 Google refuses to remove from YouTube, have been seen and heard by millions of individuals  
15 throughout the world, whose names are not presently known to Plaintiff.

16          86. These words were slanderous because they tend to injure Plaintiff in her profession,  
17 trade and business by imputing to her a general disqualification for working with the public,  
18 something that the occupation and duties of her profession peculiarly require, and the profitability  
19 of which is naturally lessened if she is believed to be a religious bigot.

20          87. These words published by Defendant Nakoula and the DOE Defendants were stated  
21 not as a matter of opinion, but as a matter of fact, and therefore were not protected or privileged in  
22 any way.

23          88. The words published by Defendant Nakoula and the DOE Defendants also were  
24 slanderous because Plaintiff never called the founder of Islam a child molester, either on the set of  
25 the Film or at any other place or time.

26          89. At no relevant time did Plaintiff ratify or consent to the dissemination of the  
27 statements, on YouTube or anywhere else. In fact, Plaintiff subsequently contacted Defendant  
28



1 Nakoula to ask him to remove the Film from YouTube and also contacted Google and YouTube to  
2 request the same thing, numerous times.

3 90. Plaintiff is informed and believes and thereon alleges that Defendant Nakoula and  
4 the DOE Defendants repeated the false statements to others, including a worldwide audience on  
5 YouTube.

6 91. The words that Defendant Nakoula and the DOE Defendants put, and kept, in  
7 Plaintiff's mouth carried a defamatory meaning by their very terms and were understood by those  
8 who saw and heard them in a way that defamed Plaintiff.

9 92. Defendant Nakoula and the DOE Defendants further published such statements  
10 deliberately and with knowledge and intention that such words would be heard by a worldwide  
11 YouTube.com audience.

12 93. As a proximate result of Defendant Nakoula and the DOE Defendants' publication  
13 of the false statements, Plaintiff has suffered loss of her reputation, shame, mortification, and hurt  
14 feelings all to her general damages in a sum to be proven at trial.

15 94. As a further result of Defendant Nakoula and the DOE Defendants' publication of  
16 the false statements, Plaintiff has suffered special damages according to proof.

17 95. As the above-described statements were published with malice and oppression and  
18 fraud, an award of exemplary and punitive damages is necessary and appropriate.

### 19 **SIXTH CAUSE OF ACTION**

#### 20 **Against Defendant Nakoula and the DOE Defendants**

#### 21 **Intentional Infliction of Emotional Distress**

22 96. The allegations set forth in paragraphs 1 through 95 are realleged and incorporated  
23 herein by reference.

24 97. The conduct set forth hereinabove was extreme and outrageous and an abuse of the  
25 authority and position of Defendant Nakoula and the DOE Defendants, and each of them. Said  
26 conduct was intended to cause severe emotional distress, or was done in conscious disregard of the  
27 probability of causing such distress. Said conduct exceeded the inherent risks of Plaintiff's work  
28 as an actress and was not the sort of conduct normally expected to occur in the production of a

1 Film, or in the posting of a film to YouTube. Defendants, and each of them, engaged in conduct  
2 intended to make Plaintiff a target of extremist violence.

3 98. The foregoing conduct did in fact cause Plaintiff to suffer extreme emotional  
4 distress. As a proximate result of said conduct, Plaintiff suffered embarrassment, anxiety,  
5 humiliation and emotional distress, and will continue to suffer said emotional distress in the future  
6 in an amount according to proof.

7 **PRAYER**

8 Plaintiff Garcia prays for judgment against Defendants as follows:

9 1. For a preliminary and permanent injunction enjoining Defendants and their  
10 respective officers, agents, servants, employees, and attorneys, and all persons in active concert or  
11 participation with each or any of them, from directly committing, aiding, encouraging, enabling,  
12 inducing, causing, materially contributing to, or otherwise facilitating the unauthorized  
13 reproduction or distribution of copies of Plaintiff's copyrighted performance.

14 2. For all damages to which Plaintiff may be entitled, including but not limited to  
15 Defendants' profits, in such amounts as may be found. Alternatively, as Plaintiff's election, for  
16 statutory damages in the maximum amount allowed by law.

17 3. For special damages arising from the loss of business and business opportunities,  
18 according to proof at trial.

19 4. For restitution.

20 5. For exemplary and punitive damages.

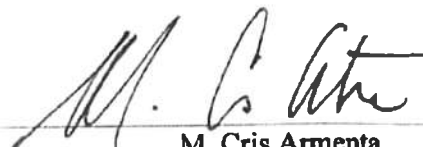
21 6. For attorney fees and costs of suit incurred herein.

22 7. For such other and further relief as the Court deems just and proper.

23 THE ARMENTA LAW FIRM, A.P.C.

24 Dated: September 20, 2012

25 By:

26 

27 M. Cris Armenta  
28 Attorneys for Plaintiff  
Cindy Lee Garcia

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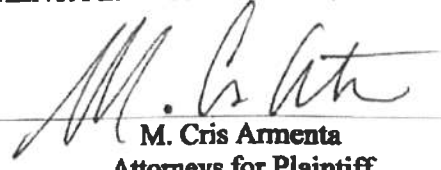
**REQUEST FOR JURY TRIAL**

Plaintiff hereby requests a trial for jury.

Dated: September 26 2012

THE ARMENTA LAW FIRM, A.P.C.

By:



M. Cris Armenta  
Attorneys for Plaintiff  
Cindy Lee Garcia

## **EXHIBIT A**

## EXT. KERO'S TENT - DAY

ME

Kero's wife, Om Roman, is sitting quietly and knitting when Kero enters excitedly.

KERO

Let the house of Kero be joyous.

RAMON

What is wrong with you husband? We do not have that much to be happy for.

KERO

Oh but we do. The Master has asked our daughter's hand in marriage.

RAMON seems concerned.

RAMON

And this make you happy?

KERO

Yes, of course, it makes me very happy! My daughter shall have the stars!

RAMON

Are you crazy? Is your George crazy? Your daughter has not yet reached her 13th year yet. George must be fifty five years old by now!

ABI KERO

He is fifty-three not fifty-five. He has both wealth and power. My daughter shall be his bride whether we say yes or no. And he has promised to make the Caliph of the Bossas after him.

RAMON

Then there is nothing I can do for my poor daughter Hillary. She is not yet thirteen years of age and he is fifty three. What a strange world that we live in... what a strange world.

There is a moment of silence and George enters.

60

EXT. KERO'S TENT - DAY

60 .

ME

Kero's wife, Om Roman, is sitting quietly and knitting when Kero enters excitedly.

KERO

Let the house of Kero be joyous.

RAMON

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RAMON

Then there is nothing I can do for my poor daughter Hillary. She is not yet thirteen years of age and he is fifty three. What a strange world that we live in... what a strange world.

There is a moment of silence and George enters.

ER25

61

EXT. HOUSE OF KERO - DAY

61

RAMON goes outside to fetch her daughter. Some women are doing chores. She finds the children playing together on the tree swings. She takes Hillary by the hand and goes inside the house.

ADD TO DAY

KERO

Thank you Master. You bless me by coming into my humble home.

GEORGE

You are a good man and a good follower of me Kero. You will be a good father in law and you shall indeed have your place in God's paradise.

KERO

Praise be to God... praise be to God.

RAMON returns leading Hillary by the hand. She takes her over to George and puts her hand into George's hand.

RAMON

Hillary this is George, Master. He is going to be your husband.

George looks at her with that look that only a man can give a woman as he rubs the back of her hand.

GEORGE

Isn't that wonderful Hillary, my bride? Praise be to God.

George stands and picks Hillary up in his arms.

GEORGE (CONT'D)

Come, for now you belong to me, to the Master.

He walks toward the door carrying the girl. Hillary looks back toward her mother and reaches out a hand. She calls out, nearly in tears, simply because she does not understand what just happened.

HILLARY

Mother... Mother... RAMON, I'm hungry.

RAMON looks at her.

RAMON

It is okay Hillary... every thing will be alright.

RAMON watches them leave. It is obvious she doesn't believe her own words. A single tear runs down her cheek.



EXT. KERO'S TENT - DAY

George carries Hillary outside as the other women are blessing them.

WOMEN

May God bless you both... May God  
bless you both.

Hillary is frightened and does not know what is happening.  
Once again she calls out to her mother.

HILLARY

Mother... Mother... Mother I'm  
hungry.

GEORGE

With me there is no need to be  
frightened, my bride.

HILLARY

Where are you taking me?

GEORGE

Wherever I want to go. I am the  
Master. Do you not know that my  
bride?

George says something in her ear. She slaps him on his face,  
but he just laughs.

GEORGE

Kero... did you announce the good news to the bride? I would not be surprised if she has fainted over the good news.

RAMON

I am the only one who came close to fainting.

GEORGE

From joy, of course, my mother in law.

RAMON

Of course, my son in law.

GEORGE

I already knew that or I would not be the Master. Now where is my bride? Where is my beautiful bride, my father in law?

RAMON

She is on the swing with other children, my son in law.

KERO

Go and fetch her woman. Do not keep your soon to be son in law waiting... I mean the Master waiting!

RAMON does as she is told and immediately gets up and heads out the door.

## **EXHIBIT B**

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at [www.copyright.gov](http://www.copyright.gov), write the Copyright Office, or call (202) 707-3000.



Privacy Act Notice: Sections 406-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. §705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

PA	PAU	
EFFECTIVE DATE OF REGISTRATION		
Month	Day	Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼  
"Desert Warrior"

PREVIOUS OR ALTERNATIVE TITLES ▼  
"Innocence of Muslims"

NATURE OF THIS WORK ▼ See instructions

Audio-visual work, pertaining to Cindy Lee Garcia's dramatic performance in "Desert Warrior" and put on film

2 a NAME OF AUTHOR ▼  
Cindy Lee Garcia

DATES OF BIRTH AND DEATH  
Year Born ▼ 1957 Year Died ▼ NA

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country U.S.A.

OR { Citizen of Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼  
Dramatic performance in film entitled "Desert Warriors" affixed to film

b NAME OF AUTHOR ▼  
Cindy Lee Garcia

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country U.S.A.

OR { Citizen of Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼  
Dramatic performance fixed in tangible medium of expression (i.e. film)

c NAME OF AUTHOR ▼  
Cindy Lee Garcia

DATES OF BIRTH AND DEATH  
Year Born ▼ 1957 Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country U.S.A.

OR { Citizen of Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED  
2011 Year This information must be given in all cases.

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month July Day 2 Year 2012 only partially published, U.S.A. Nation

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼  
Cindy Lee Garcia c/o The Armenta Law Firm, 11900 W. Olympic Boulevard, Suite 730, Los Angeles, CA 90064

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

[Ms. Garcia did not sign any work for hire agreement nor a release or relinquishment of her rights when she acted in "Desert Warrior."]

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-9) on the reverse side of this page  
• See detailed instructions • Sign the form at line 8

DO NOT WRITE HERE  
Page 1 of \_\_\_\_\_ pages

EXAMINED BY \_\_\_\_\_

FORM PA

CHECKED BY \_\_\_\_\_

☐ CORRESPONDENCE  
 Yes
FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼ If your answer is No, do not check box A, B, or C.a. ☒ This is the first published edition of a work previously registered in unpublished form.b. ☒ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a 6

See instructions  
before completing  
this space

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Garcia gave a dramatic performance for "Desert Warrior" fixed in film in 2011. Since then, the producer of the film altered her performance, dubbing in words she did not say, and changing the film's intent and name to "Innocence of Muslims."

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DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/ Address/ Apt/ City/ State/ Zip ▼

M. Cris Armenta, The Armenta Law Firm APC, 11900 W. Olympic Boulevard, Suite 730, Los Angeles, CA 90064

Area code and daytime telephone number ( 310 ) 826-2826

Fax number ( 310 ) 826-5456

Email [cris@crisamentla.com](mailto:cris@crisamentla.com)

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▶

- ☒
- author
- 
- ☐
- other copyright claimant
- 
- ☐
- owner of exclusive right(s)
- 
- ☐
- authorized agent of \_\_\_\_\_

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Cindy Lee Garcia

Date September 25, 2012

Handwritten signature (X) ▼

See attached faxed signature



X

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▼

Number/Street/Apt ▼

City/State/Zip ▼

## YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL ELEMENTS  
IN THE SAME PACKAGE

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

## MAIL TO:

Library of Congress  
Copyright Office-PAD  
101 Independence Avenue SE  
Washington, DC 20559-6230

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\*17 U.S.C. §506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

EXAMINED BY _____ CHECKED BY _____ <input type="checkbox"/> CORRESPONDENCE Yes _____	FORM 7A  FOR COPYRIGHT OFFICE UNP ONLY
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DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?  
☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐ If your answer is No, do not check box A, B, or C.  
 a. ☐ This is the first published edition of a work previously registered in unpublished form.  
 b. ☐ This is the first application submitted by this author or copyright claimant.  
 c. ☐ This is a changed version of the work, as shown by space 6 on this application.  
 If your answer is "Yes," give Previous Registration Number                      Year of Registration                     

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.  
 a. ☐ This work is based on an existing work or works that this work is based on or incorporates. b  
 b. ☐ This work is a compilation of material that has been added to this work and in which copyright is claimed. 6

**Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. b  
 Garcia gave a dramatic performance for "Duran Warrior" fixed in film in 2011. Since then, the producer of the film altered her performance, dubbing in words she did not say, and changing the film's intent and name to "Innocence of Muslims." 7

**DEPOSIT AT CTDINT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. a  
 Account Number                     

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip b  
 M. Cris Armenta, The Armenta Law Firm APC, 11900 W. Olympic Boulevard, Suite 730, Los Angeles, CA 90064

Area code and daytime telephone number ( 818 ) 826-2826 Fax number ( 310 ) 826-5456  
 Email [cris@crisarmenta.com](mailto:cris@crisarmenta.com)

**CERTIFICATION** I, the undersigned, hereby certify that I am the 8  
 Check only one: ☒ author  
☐ other copyright claimant  
☐ owner of exclusive rights  
☐ authorized agent of \_\_\_\_\_  
 Name of owner of other copyright claimant, in case of exclusive rights: \_\_\_\_\_  
 of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.  
 Typed — printed name and date Cindy Lee Garcia September 25, 2012  
 Signature Cindy Lee Garcia

**Characteristics of this material:**  
 Name                       
 Number of pages                       
 Or describe                     

**Instructions:**  
 - Complete all necessary spaces.  
 - Sign your application in space 8.  
 - If you are a foreign author, you must also sign in space 9.  
 1. Application fee.  
 2. Nonrefundable filing fee in check or money order payable to: Copyright Office.  
 3. Contact fee (if applicable).  
 Library of Congress  
 Copyright Office  
 101 Independence Avenue, SE  
 Washington, DC 20540-4275



Sent from my iPhone

Begin forwarded message:

**From:** Copyright Office <cop-rc@loc.gov>  
**Date:** September 25, 2012 1:42:10 PM EDT  
**To:** Cris Armenta <cris@crisarmenta.com>  
**Subject:** Acknowledgement of Receipt

Thank you for submitting your registration claim using the electronic Copyright Office (eCO) System. This email confirms that your application and payment for the work Desert Warrior were received on 09/25/2012. The following applies to registration claims only (not preregistrations):

The effective date of registration is established when the application, payment AND the material being registered have been received. If you have not yet sent the material to be registered, logon to eCO ([https://eco.copyright.gov/eService\\_enu/](https://eco.copyright.gov/eService_enu/)) and click the blue case number associated with your claim in the Open Cases table, then do one of the following:

**Upload a digital copy (if eligible):** Click the "Upload Deposit" button at the top of the Case Summary screen, then browse and select the file(s) you wish to upload. Be sure to click the "Upload Complete" button on the Case Summary screen when you have finished uploading your file(s). Note: only certain categories of works are eligible to be registered with digital copies (See FAQs: [http://www.copyright.gov/eco/faq.html#eCO\\_1.4](http://www.copyright.gov/eco/faq.html#eCO_1.4) and <http://www.copyright.gov/eco/help-file-types.html>).

**Mail a physical copy(ies):** Click the Create Shipping Slip button at the top of the Case Summary screen, then click the Shipping Slip link that appears in the Send By Mail table. Print out and attach the shipping slip to the copy(ies) of your work. For multiple works, be sure to attach shipping slips to the corresponding copies.

A printable copy of the application will be available within 24 hours of its receipt. To access the application, click the My Applications link in the left top most navigation menu of the Home screen.

You will be issued a paper certificate by mail after the registration has been completed. You may check the status of this claim via eCO using this number 1-828151641. [THREAD ID: 1-DP2T9R]

United States Copyright Office

**To:** David Hardy; Credence Sol; Jason Armstrong  
**Cc:** Heather Rowland  
**Subject:** Fwd: Acknowledgement of Receipt



**Heather Rowland**

---

**From:** Cris Armenta  
**Sent:** Tuesday, September 25, 2012 10:44 AM

**Heather Rowland**

---

**Subject:**

FW: Case# 1-828151641 Cindy Lee Garcia

Attn: Marti/212230

**From:** ctinfo [mailto:ctinfo@loc.gov]

**Sent:** Wednesday, September 26, 2012 11:22 AM

**To:** Heather Rowland

**Cc:** ctinfo

**Subject:** RE: Case# 1-828151641 Cindy Lee Garcia Attn: Marti/212230

Heather Rowland,

That's fine.

Kind Regards,

Contractor to LOC/Copyright Technology Office  
Library of Congress  
101 Independence Ave, SE  
Washington DC 20540  
Office # 202-707-3002

mw

**From:** Heather Rowland [mailto:heather@crisarmenta.com]

**Sent:** Wednesday, September 26, 2012 2:21 PM

**To:** ctinfo

**Subject:** RE: Case# 1-828151641 Cindy Lee Garcia Attn: Marti/212230

I will mail a copy on DVD/R and it will be to your office tomorrow via FedEx. Does that work?

Thanks,

Heather Rowland  
Assistant to M. Cris Armenta  
The Armenta Law Firm APC  
11900 Olympic Boulevard, Suite 730  
Los Angeles, CA 90064  
(310) 601-8715 Direct  
(310) 384-3548 Cell  
(310) 826-5456 Fax  
[www.crisarmenta.com](http://www.crisarmenta.com)

**From:** ctinfo [mailto:ctinfo@loc.gov]

**Sent:** Wednesday, September 26, 2012 11:19 AM

**To:** Heather Rowland

**Cc:** ctinfo

**Subject:** RE: Case# 1-828151641 Cindy Lee Garcia Attn: Marti/212230

Heather Rowland,

It is not recommended that you do both, only one or the other.

The upload feature has been enabled.

Multiple uploads are permitted.

You can either upload your work electronically or send it in by mail. You should log into your account, click on open cases, click on your case number (make sure that your pop-up blocker is off), and you should then see buttons that will give you the option to upload your work electronically or send it by mail. If you want to upload, click on the 'upload deposit' button. A screen should come up (maximize that window) that will allow you to browse for your work and submit it electronically via upload to the Copyright Office. After clicking on the "Upload Deposit" button to upload your files, wait until you have completed uploading ALL of your files **THEN AND ONLY THEN** click on the "Upload Complete" button to complete the process. If you want to send your work by mail you should click on the button to 'create a shipping slip'. It should create a link for a shipping slip that you can click on that will open up the slip. You should print it out and send in with your work.

If you continue to experience problems please phone for assistance.

Kind Regards,

Contractor to LOC/Copyright Technology Office  
Library of Congress  
101 Independence Ave, SE  
Washington DC 20540  
Office # 202-707-3002  
-----

mw 2122230

From: (310) 826-2826  
Maria Armenta  
The Armenta Law Firm  
11900 Olympic Boulevard

Los Angeles, CA 90064

Origin ID: C8BA



11220120715000

Ship Date: 26SEP12  
ActWgt: 1.0 LB  
CAD: 8678074/INET3300

Delivery Address Bar Code



Ref # Garcia  
Invoice #  
PO #  
Dept #

SHIP TO: (310) 601-8715

BILL SENDER

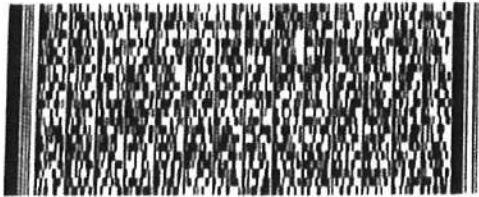
Copyright Office - MP  
Library of Congress  
101 INDEPENDENCE AVE SE

WASHINGTON, DC 20559

THU - 27 SEP A2  
STANDARD OVERNIGHT

TRK# 7990 5616 8750

0201

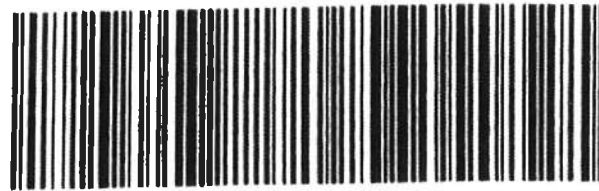


**XC YKNA**

**20559**

DC-US

**DCA**



512618034444

**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning:** Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

## **EXHIBIT C**

**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Monday, September 24, 2012 12:56 PM  
**To:** debratucker@google.com; copyright@google.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request  
**Attachments:** YouTube-Google Takedown Notice (9-24-12).pdf

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as "*The Innocence of the Muslims*" that have been posted on YouTube.

I am also faxing a copy of this Takedown Request to you at (650) 872-8513.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

September 24, 2012

**Sent by Facsimile & Email**

YouTube, LLC

Attn: Debra Tucker, Designated Agent

901 Cherry Avenue

San Bruno, CA

Fax: (650) 872-8513

Email: [debratucker@google.com](mailto:debratucker@google.com)

Email: [copyright@google.com](mailto:copyright@google.com)

Re: YouTube DMCA Takedown Request: Copyright Infringement  
Video – *The Innocence of the Muslims*

Dear Ms. Tucker:

DMCA Solutions, LLC, acting as agent on behalf of copyright holder Cindy Lee Garcia for the purposes of filing this Takedown Request, hereby submits the following:

**What is the Issue:**

Copyright Infringement: Cindy Lee Garcia, an actress, has an original copyright that remains vested in her in her audio-visual dramatic performance in a film in which her performance has been altered and adulterated without her consent and posted on YouTube, infringing her copyright.

**Copyright Infringement: Who is Affected**

Cindy Lee Garcia, the copyright owner

**Identification of the Copyrighted Work Claimed to have been Infringed:**

Cindy Lee Garcia's audio-visual dramatic performance in a film originally titled *The Desert Warrior* but altered without her consent and posted on YouTube under the title *The Innocence of the Muslims*.

**Identification of the material that is claimed to be infringing**

Video posted on YouTube under the title *The Innocence of Muslims* but originally titled *The Desert Warrior*

**URLs of the Offending Video:**

<http://www.youtube.com/watch?v=1nW54iK-7Cs&feature=fvvr>

[http://www.youtube.com/watch?v=2Q\\_tD0BGhy4](http://www.youtube.com/watch?v=2Q_tD0BGhy4)

[http://www.youtube.com/watch?v=fBDTS\\_YAWyI](http://www.youtube.com/watch?v=fBDTS_YAWyI)

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

<http://www.youtube.com/watch?v=ffVBdyU5ONQ&feature=related>

<http://www.youtube.com/watch?v=FteusCTGO3M>

<http://www.youtube.com/watch?v=HWHajR9IMME>

<http://www.youtube.com/watch?v=i7Smzt607oE>

<http://www.youtube.com/watch?v=i7Smzt607oE&feature=fvvr>

<http://www.youtube.com/watch?v=VnYcWmcYBrw&feature=fvvr>

<http://www.youtube.com/watch?v=X6s8eFkt90Q>

<http://www.youtube.com/watch?v=XKtTIPnZ8iU>

<http://www.youtube.com/watch?v=ypz3kS75bsw>

Copyright Owner's Name: Cindy Lee Garcia

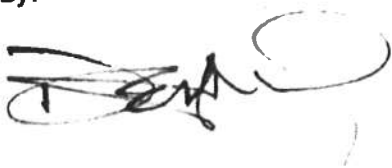
Authorized Agent: DMCA Solutions, LLC  
31 Hastings Street  
Mendon, MA 01756  
USA  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:



David Hardy, President

ER43



**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Monday, September 24, 2012 6:47 PM  
**To:** debratucker@google.com; copyright@youtube.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request #2  
**Attachments:** YouTube - Google Takedown Request #2 (9-24-12).docx

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as "*The Innocence of the Muslims*" that have been posted on YouTube.

I am also faxing a copy of this Takedown Request to you at (650) 872-8513.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
David.Hardy@DMCASolutions.com

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

September 24, 2012

**Sent by Facsimile & Email**

YouTube, LLC

Attn: Debra Tucker, Designated Agent

901 Cherry Avenue

San Bruno, CA

Fax: (650) 872-8513

Email: [debratucker@google.com](mailto:debratucker@google.com)

Email: [copyright@youtube.com](mailto:copyright@youtube.com)

Re: YouTube DMCA Takedown Request: Copyright Infringement  
Video – *The Innocence of the Muslims* – Takedown Request #2

Dear Ms. Tucker:

DMCA Solutions, LLC, acting as agent on behalf of copyright holder Cindy Lee Garcia for the purposes of filing this Takedown Request, hereby submits the following:

**What is the Issue:**

Copyright Infringement: Cindy Lee Garcia, an actress, has an original copyright that remains vested in her in her audio-visual dramatic performance in a film in which her performance has been altered and adulterated without her consent and posted on YouTube, infringing her copyright.

**Copyright Infringement: Who is Affected**

Cindy Lee Garcia, the copyright owner

**Identification of the Copyrighted Work Claimed to have been Infringed:**

Cindy Lee Garcia's audio-visual dramatic performance in a film originally titled *The Desert Warrior* but altered without her consent and posted on YouTube under the title *The Innocence of the Muslims*.

**Identification of the material that is claimed to be infringing**

Video posted on YouTube under the title *The Innocence of Muslims* but originally titled *The Desert Warrior*

**URLs of the Offending Video:**

<http://www.youtube.com/watch?v=MAiOEV0v2RM>

[http://www.youtube.com/watch?v=X\\_wTvX6-ok4](http://www.youtube.com/watch?v=X_wTvX6-ok4)

<http://www.youtube.com/watch?v=xMZcd6UY1s4>

ER45

Page 2

<http://www.youtube.com/watch?v=X6s8eFkt90Q>  
<http://www.youtube.com/watch?v=wdw-cgiH-ZU>  
<http://www.youtube.com/watch?v=oLip6P2ksd8>  
[http://www.youtube.com/watch?v=3dUwhPIAi\\_Y](http://www.youtube.com/watch?v=3dUwhPIAi_Y)  
<http://www.youtube.com/watch?v=PbX3Caqm960>  
<http://www.youtube.com/watch?v=qmodVun16Q4>  
<http://www.youtube.com/watch?v=LoBwR9KEGUc&bpctr=1348536278>  
<http://www.youtube.com/watch?v=E1ggHpWXvbs>  
[http://www.youtube.com/watch?v=p\\_wRkA16SNq](http://www.youtube.com/watch?v=p_wRkA16SNq)  
<http://www.youtube.com/watch?v=PbX3Caqm960>  
<http://www.youtube.com/watch?v=qmodVun16Q4>  
<http://www.youtube.com/watch?v=qmodVun16Q4>  
<http://www.youtube.com/watch?v=n20lbnB2XM>  
<http://www.youtube.com/watch?v=XIWYZA1MqAA>  
[http://www.youtube.com/watch?v=SL8hW\\_ZZaY](http://www.youtube.com/watch?v=SL8hW_ZZaY)  
<http://www.youtube.com/watch?v=8QTtKQR0PBY>  
<http://www.youtube.com/watch?v=jDigAhMeIY>

Copyright Owner's Name: Cindy Lee Garcia

Authorized Agent: DMCA Solutions, LLC  
31 Hastings Street  
Mendon, MA 01756  
USA  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

Page 3

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:

A handwritten signature in black ink, appearing to read 'David Hardy', with a large, stylized flourish at the end.

David Hardy, President

**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Monday, September 24, 2012 7:23 PM  
**To:** debratucker@google.com; copyright@youtube.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request #3 (9-24-12)  
**Attachments:** YouTube-Google Takedown Request #3 (9-24-12).docx

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as "*The Innocence of the Muslims*" that have been posted on YouTube.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

September 24, 2012

**Sent by Facsimile & Email**

YouTube, LLC

Attn: Debra Tucker, Designated Agent

901 Cherry Avenue

San Bruno, CA

Fax: (650) 872-8513

Email: [debratucker@google.com](mailto:debratucker@google.com)

Email: [copyright@youtube.com](mailto:copyright@youtube.com)

Re: YouTube DMCA Takedown Request: Copyright Infringement  
Video – *The Innocence of the Muslims* – Takedown Request #3

Dear Ms. Tucker:

DMCA Solutions, LLC, acting as agent on behalf of copyright holder Cindy Lee Garcia for the purposes of filing this Takedown Request, hereby submits the following:

**What is the Issue:**

Copyright Infringement: Cindy Lee Garcia, an actress, has an original copyright that remains vested in her in her audio-visual dramatic performance in a film in which her performance has been altered and adulterated without her consent and posted on YouTube, infringing her copyright.

**Copyright Infringement: Who is Affected**

Cindy Lee Garcia, the copyright owner

**Identification of the Copyrighted Work Claimed to have been Infringed:**

Cindy Lee Garcia's audio-visual dramatic performance in a film originally titled *The Desert Warrior* but altered without her consent and posted on YouTube under the title *The Innocence of the Muslims*.

**Identification of the material that is claimed to be infringing**

Video posted on YouTube under the title *The Innocence of Muslims* but originally titled *The Desert Warrior*

**URLs of the Offending Video:**

<http://www.youtube.com/watch?v=BJqhCKyLOvE>

<http://www.youtube.com/watch?v=vEIHfaiK93M>

<http://www.youtube.com/watch?v=YSwi94xfNFE>

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

Page 2

<http://www.youtube.com/watch?v=jDYdlkpgStY>  
<http://www.youtube.com/watch?v=IE5McEN4HKA&bpctr=1348538846>  
<http://www.youtube.com/watch?v=A2aNEreHzi0>  
<http://www.youtube.com/watch?v=YSwi94xfNFE>  
<http://www.youtube.com/watch?v=KCD33i3kDkk>  
<http://www.youtube.com/watch?v=J-8jciUPpNI>  
<http://www.youtube.com/watch?v=GKRHED2RuL0>  
<http://www.youtube.com/watch?v=zvxJIVDA5s4>  
<http://www.youtube.com/watch?v=LrlfRLh1OJM>  
<http://www.youtube.com/watch?v=i7Smzt607oE>  
<http://www.youtube.com/watch?v=lutCBSBP0U&bpctr=1348539718>  
<http://www.youtube.com/watch?v=ezflX0bU01I>  
<http://www.youtube.com/watch?v=CHiLxHRK3Yk>  
<http://www.youtube.com/watch?v=-iFHMZGLp48&bpctr=1348539839>  
<http://www.youtube.com/watch?v=i7Smzt607oE>  
<http://www.youtube.com/watch?v=i7Smzt607oE>  
<http://www.youtube.com/watch?v=Vh1G0nV4h-w>

Copyright Owner's Name: Cindy Lee Garcia

Authorized Agent: DMCA Solutions, LLC  
31 Hastings Street  
Mendon, MA 01756  
USA  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

ER50

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

Page 3

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:

A handwritten signature in black ink, appearing to read 'David Hardy', with a large, stylized flourish at the end.

David Hardy, President

ER51



**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Monday, September 24, 2012 10:09 PM  
**To:** debratucker@google.com; copyright@youtube.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request #4  
**Attachments:** YouTube-Google Takedown Request #4 (9-24-12).docx

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as "*The Innocence of the Muslims*" that have been posted on YouTube.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

September 24, 2012

**Sent by Email**

YouTube, LLC

Attn: Debra Tucker, Designated Agent

901 Cherry Avenue

San Bruno, CA

Email: [debratucker@google.com](mailto:debratucker@google.com)

Email: [copyright@youtube.com](mailto:copyright@youtube.com)

Re: YouTube DMCA Takedown Request: Copyright Infringement  
Video – *The Innocence of the Muslims* – Takedown Request #4

Dear Ms. Tucker:

DMCA Solutions, LLC, acting as agent on behalf of copyright holder Cindy Lee Garcia for the purposes of filing this Takedown Request, hereby submits the following:

**What is the Issue:**

Copyright Infringement: Cindy Lee Garcia, an actress, has an original copyright that remains vested in her in her audio-visual dramatic performance in a film in which her performance has been altered and adulterated without her consent and posted on YouTube, infringing her copyright.

**Copyright Infringement: Who is Affected**

Cindy Lee Garcia, the copyright owner

**Identification of the Copyrighted Work Claimed to have been Infringed:**

Cindy Lee Garcia's audio-visual dramatic performance in a film originally titled *The Desert Warrior* but altered without her consent and posted on YouTube under the title *The Innocence of the Muslims*.

**Identification of the material that is claimed to be infringing**

Video posted on YouTube under the title *The Innocence of Muslims* but originally titled *The Desert Warrior*

**URLs of the Offending Video:**

<http://www.youtube.com/watch?v=1RagKWM8ldk>

[http://www.youtube.com/watch?v=1wkyqd9\\_NtY](http://www.youtube.com/watch?v=1wkyqd9_NtY)

<http://www.youtube.com/watch?v=2AJ2ElzJ11w>

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**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

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<http://www.youtube.com/watch?v=2lC2wpYa7KE>  
[http://www.youtube.com/watch?v=2TI9GbNk\\_gY](http://www.youtube.com/watch?v=2TI9GbNk_gY)  
<http://www.youtube.com/watch?v=6KJq-rNlLk8>  
<http://www.youtube.com/watch?v=6ySE-yYeeIE>  
<http://www.youtube.com/watch?v=7EmQRlbQbJk>  
<http://www.youtube.com/watch?v=7qcFACwfil8>  
<http://www.youtube.com/watch?v=8jYrk--Ufh0>  
<http://www.youtube.com/watch?v=A1ezRBS5Jhs>  
<http://www.youtube.com/watch?v=a5gABvYSbis>  
<http://www.youtube.com/watch?v=ADdj48gHKGQ>  
[http://www.youtube.com/watch?v=AQqqy6\\_RiD0](http://www.youtube.com/watch?v=AQqqy6_RiD0)  
<http://www.youtube.com/watch?v=Ar3iu0D81Lg>  
<http://www.youtube.com/watch?v=B-pGehBwKFY>  
<http://www.youtube.com/watch?v=BGYNJmlaEbk>  
<http://www.youtube.com/watch?v=bkplXBnFT3c>  
<http://www.youtube.com/watch?v=BMhwVg4jmO8>  
<http://www.youtube.com/watch?v=BPQM2nfVyz0>  
<http://www.youtube.com/watch?v=bYaKOBkd4io>  
<http://www.youtube.com/watch?v=C7KeGApikUs>  
<http://www.youtube.com/watch?v=dAaDPAnlvx0>  
<http://www.youtube.com/watch?v=DlzesXXwUiU>  
<http://www.youtube.com/watch?v=dx3z4ly5Exs>  
<http://www.youtube.com/watch?v=EHby-q7KgC0>

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<http://www.youtube.com/watch?v=engQ9MX4Cyc>  
<http://www.youtube.com/watch?v=eqQ74At3Psc>  
<http://www.youtube.com/watch?v=fAMCA7JdQYk>  
<http://www.youtube.com/watch?v=fm3P9mEi3Xk>  
<http://www.youtube.com/watch?v=FsC7yHse-IQ>  
<http://www.youtube.com/watch?v=gORgR7UiXgY>  
<http://www.youtube.com/watch?v=h2MHczJyFNQ>  
<http://www.youtube.com/watch?v=HDeWjf877yw>  
<http://www.youtube.com/watch?v=HkGOubHiT6I>  
<http://www.youtube.com/watch?v=HR0Vi-8dqTM>  
<http://www.youtube.com/watch?v=Hv4HwUQS-yY>  
<http://www.youtube.com/watch?v=IDK2yl6U48M>  
<http://www.youtube.com/watch?v=Jslqig3VkrE>  
<http://www.youtube.com/watch?v=K3IAgMuNj0A>  
<http://www.youtube.com/watch?v=kAQ5onF0Lc4>  
[http://www.youtube.com/watch?v=Lgx1\\_JVxfZE](http://www.youtube.com/watch?v=Lgx1_JVxfZE)  
<http://www.youtube.com/watch?v=IhBoPXEPUsQ>  
<http://www.youtube.com/watch?v=Ln3VAwuLxCE>  
<http://www.youtube.com/watch?v=mj0a3QazVy8>  
<http://www.youtube.com/watch?v=n8s6bYHELaw>  
<http://www.youtube.com/watch?v=NggEJ5PTPbw>  
<http://www.youtube.com/watch?v=NuOFer5WqYo>  
<http://www.youtube.com/watch?v=o3ey9m4ApdY>

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31 Hastings Street  
Mendon, MA 01756

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<http://www.youtube.com/watch?v=o7RQqavrd0E>  
<http://www.youtube.com/watch?v=O8Wc5PsXmPo>  
<http://www.youtube.com/watch?v=Oqzib6N0wE8>  
<http://www.youtube.com/watch?v=ov9bd23F1yA>  
<http://www.youtube.com/watch?v=q26i0VLRbQE>  
<http://www.youtube.com/watch?v=qf-44Q3SV0Y>  
<http://www.youtube.com/watch?v=Ql3sDuWPvos>  
<http://www.youtube.com/watch?v=QOcQvZ UNwU>  
<http://www.youtube.com/watch?v=rKOa87wgPp4>  
<http://www.youtube.com/watch?v=SIPLKwpV6NE>  
<http://www.youtube.com/watch?v=sXKyPPgrMi4>  
<http://www.youtube.com/watch?v=tHpacSiAi9U>  
<http://www.youtube.com/watch?v=tRa9L5OPS0M>  
<http://www.youtube.com/watch?v=tRBGBGDZi7o>  
<http://www.youtube.com/watch?v=tvV6p5IHDLM>  
<http://www.youtube.com/watch?v=UDd6bine9io>  
<http://www.youtube.com/watch?v=v5TBXoKErus>  
<http://www.youtube.com/watch?v=Vh5LEJNE70c>  
<http://www.youtube.com/watch?v=vNZW4KCPURQ>  
<http://www.youtube.com/watch?v=vYnwZeZ8p8Y>  
<http://www.youtube.com/watch?v=W1MYYfCg2X4>  
<http://www.youtube.com/watch?v=Wl8FoYpglNw>  
<http://www.youtube.com/watch?v=XKtTIPnZ8iU>

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<http://www.youtube.com/watch?v=xLxzfOPDMlo>

<http://www.youtube.com/watch?v=xYVfBNKbfRQ>

[http://www.youtube.com/watch?v=YFogvC4\\_zgY](http://www.youtube.com/watch?v=YFogvC4_zgY)

<http://www.youtube.com/watch?v=zx-j8lx6dQ>

<http://www.youtube.com/watch?v=WCCdyRzC2A>

<http://www.youtube.com/watch?v=yGsQ0fuaXA>

Copyright Owner's Name: Cindy Lee Garcia

Authorized Agent: DMCA Solutions, LLC  
31 Hastings Street  
Mendon, MA 01756  
USA  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:



David Hardy, President

ER57

**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Tuesday, September 25, 2012 10:05 AM  
**To:** debratucker@google.com; copyright@youtube.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request #5  
**Attachments:** YouTube-Google Takedown Request #5 (9-25-12).docx

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as "*The Innocence of the Muslims*" that have been posted on YouTube.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

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<http://www.youtube.com/watch?v=9dqHt6gsoxU>  
<http://www.youtube.com/watch?v=NQ5UAralcWE>  
<http://www.youtube.com/watch?v=XxlaQKqiRLY>  
<http://www.youtube.com/watch?v=DdOUoGfHg-l>  
[http://www.youtube.com/watch?v=7Ojxb\\_VkHAs](http://www.youtube.com/watch?v=7Ojxb_VkHAs)  
[http://www.youtube.com/watch?v=ns0rQ-\\_dZC0](http://www.youtube.com/watch?v=ns0rQ-_dZC0)  
<http://www.youtube.com/watch?v=TGB24q8K97w>  
<http://www.youtube.com/watch?v=YPVxQ3NDMPk>  
<http://www.youtube.com/watch?v=YBISPSxUS5E>  
<http://www.youtube.com/watch?v=Rdh8ayz0B-Y>  
<http://www.youtube.com/watch?v=eeO3MEj8s38>  
[http://www.youtube.com/watch?v=DmVq\\_j4-0wk](http://www.youtube.com/watch?v=DmVq_j4-0wk)  
<http://www.youtube.com/watch?v=oMR0cUljTE8>  
<http://www.youtube.com/watch?v=YQ1w6HA3154>  
<http://www.youtube.com/watch?v=QnMQ8k-4VgY>  
<http://www.youtube.com/watch?v=G16J4zFn5VI>  
<http://www.youtube.com/watch?v=FTH0P746SJQ>  
<http://www.youtube.com/watch?v=sOolJyq03Wk>  
<http://www.youtube.com/watch?v=SB28D9KITkc>  
<http://www.youtube.com/watch?v=6Bn5SkIxb1A>  
<http://www.youtube.com/watch?v=T2wsrTi3j4o>  
<http://www.youtube.com/watch?v=TJyCUUfMCDI>  
[http://www.youtube.com/watch?v=Tt\\_nkMCCP\\_xk](http://www.youtube.com/watch?v=Tt_nkMCCP_xk)

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<http://www.youtube.com/watch?v=GKi8pna53hg>  
<http://www.youtube.com/watch?v=AP3Yq5vJNK0>  
<http://www.youtube.com/watch?v=oBe0PmyW6Ek>  
<http://www.youtube.com/watch?v=1KMsSiBdplQ>  
<http://www.youtube.com/watch?v=vP2soXU7quM>  
<http://www.youtube.com/watch?v=dXEM4EmB2sM>  
<http://www.youtube.com/watch?v=1ryHcwXjib0>  
[http://www.youtube.com/watch?v=G3q\\_R-RovR8](http://www.youtube.com/watch?v=G3q_R-RovR8)  
<http://www.youtube.com/watch?v=Yyk9ghudS5w>  
<http://www.youtube.com/watch?v=w9zatob4YxY>  
[http://www.youtube.com/watch?v=s\\_AOeKOGql0](http://www.youtube.com/watch?v=s_AOeKOGql0)  
<http://www.youtube.com/watch?v=yW-fXw1EKXc>  
<http://www.youtube.com/watch?v=UEZhWm2oK9k>  
<http://www.youtube.com/watch?v=hftuDpFP4Wl>  
<http://www.youtube.com/watch?v=4midXCiFO-Q>

Copyright Owner's Name: Cindy Lee Garcia

Authorized Agent: DMCA Solutions, LLC  
31 Hastings Street  
Mendon, MA 01756  
USA  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

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31 Hastings Street  
Mendon, MA 01756

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DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:

A handwritten signature in black ink, appearing to read 'David Hardy', with a large, stylized flourish extending from the end of the signature.

David Hardy, President

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 11900 Olympic Boulevard, Suite 730, Los Angeles, California 90064.

On September 27, 2012 I served the following document(s) described as:

**SUMMONS**

**COMPLAINT**

**NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM**

**NOTICE OF CASE ASSIGNMENT**

**CIVIL CASE COVER SHEET**

**CERTIFICATION AND NOTICE OF INTERESTED PARTIES**

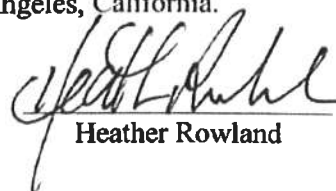
on the interested parties in this action by placing true copies thereof addressed as follows:

**Timothy L. Alger**  
**Perkins Coie LLP**  
**3150 Porter Drive**  
**Palo Alto, CA 94304-1212**  
**TAlger@perkinscoie.com**

☒ BY ELECTRONIC MAIL, pursuant to the consent of the above counsel

I declare under penalty of perjury under the law of the State of California that the above is true and correct and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on September 27, 2012 in Los Angeles, California.

  
Heather Rowland

1 M. Cris Armenta (SBN 177403)  
 2 THE ARMENTA LAW FIRM APC  
 3 11900 W. Olympic Boulevard, Suite 730  
 4 Los Angeles, CA 90064  
 5 Tel: (310) 826-2826 x 108  
 6 Facsimile: (310) 826-5456  
 7 Email: [cris@crisarmenta.com](mailto:cris@crisarmenta.com)

8 Credence F. Sol (SBN 219784)

9 [credence.sol@sol-law.com](mailto:credence.sol@sol-law.com)

10 Attorneys for Plaintiff  
 11 Cindy Lee Garcia

12 UNITED STATES DISTRICT COURT  
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 CINDY LEE GARCIA, an individual,  
 15 Plaintiff,

16 vs.

17 NAKOULA BASSELEY NAKOULA,  
 18 an individual also known as SAM  
 19 BACILE, MARK BASSELEY  
 20 YOUSSEF, ABANOB BASSELEY  
 21 NAKOULA, MATTHEW NEKOLA,  
 22 AHMED HAMDY, AMAL NADA,  
 23 DANIEL K. CARESMAN, KRITBAG  
 24 DIFRAT, SOBHI BUSHRA, ROBERT  
 25 BACILY, NICOLA BACILY, THOMAS  
 26 J. TANAS, ERWIN SALAMEH,  
 27 YOUSSEFF M. BASSELEY, and/or  
 28 MALID AHLAWI; GOOGLE, INC., a  
 Delaware Corporation; YOUTUBE,  
 LLC, a California limited liability  
 company, and DOES 1 through 10,  
 inclusive.

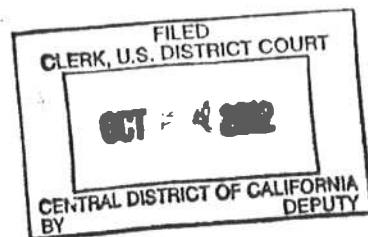
Defendants.

Case No. CV12-8315-MWF(VBKx)

**FIRST AMENDED COMPLAINT  
 FOR:**

1. Direct Infringement of Copyright
2. Secondary Infringement of Copyright
3. Fraud
4. Unfair Business Practices
5. Libel
6. Intentional Infliction of Emotional Distress

**[Demand For Jury Trial]**



FIRST AMENDED COMPLAINT  
 CV 12 8315 (VBKx)

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1 Plaintiff Cindy Lee Garcia ("Garcia"), by and through her counsel, on personal knowledge  
 2 as to her own actions and information and belief as to the actions, capabilities and motivation of  
 3 others, hereby alleges as follows:

#### 4 NATURE OF CASE

5 1. On July 2, 2012, Defendant Nakoula Basseley Nakoula ("Nakoula") uploaded a 14-  
 6 minute trailer to the Internet, via YouTube.com, entitled "Innocence of Muslims," (the "Film")  
 7 making it available for the entire world to see. On or about September 11, 2012, the film gained  
 8 worldwide recognition after it was translated into Arabic and posted on YouTube.com. On or  
 9 around September 11, 2012, an Arabic translation of the film was posted on YouTube, where it  
 10 became the object of attention in many countries, especially those that are predominantly Muslim.

11 2. In the Film, Mohammed, the founder of the Islamic religion, is painted in a light  
 12 that is considered to be blasphemous by many Muslims. Specifically, the Film portrays as a child  
 13 molester, sexual deviant, and barbarian. Immediately after the Film received worldwide  
 14 recognition as described above, violence erupted in the Middle East. The violence included an  
 15 attack on the United States Consulate in Benghazi, Libya, resulting in the deaths of four  
 16 Americans, including United States Ambassador Christopher Stevens and two ex-Navy SEALs.

17 3. Violence has continued to erupt across the world, resulting in dramatic events that  
 18 have unfolded worldwide, including in Afghanistan, Algeria, Australia, Azerbaijan, Bahrain,  
 19 Bangladesh, Belgium, Canada, Denmark, Egypt, France, Greece, Hong Kong, India, Indonesia,  
 20 Iran, Iraq, Israel, Japan, Jordan, Lebanon, Kuwait, Macedonia, Malaysia, the Maldives,  
 21 Mauritania, Morocco, the Netherlands, Niger, Nigeria, Oman, Pakistan, the Palestinian territories,  
 22 the Philippines, Qatar, Saudi Arabia, Serbia, Somalia, Sri Lanka, Sudan, Switzerland, Syria,  
 23 Thailand, Tunisia, Turkey, and the United Kingdom. The Film has been attributed worldwide as  
 24 directly responsible for the resulting violence. United States Secretary of State Hillary Clinton  
 25 has condemned the Film, calling it "disgusting and reprehensible." President Barack Obama has  
 26 asked YouTube to review taking down the Film, but has taken no court action.

1           4.       Plaintiff is an actress who appears in the Film. In the English version of the Film,  
2 at minute 9:03, Plaintiff appears to accuse "your Mohammed" of being a "child molester." These  
3 are words that Plaintiff *never spoke*. In fact, Plaintiff was led to believe that she was appearing in  
4 a film titled *Desert Warrior*. According to the casting call to which Plaintiff responded, *Desert*  
5 *Warrior* was an adventure film set in ancient times. Plaintiff was cast in the part of a mother of  
6 young child who was to be married to a character named "Master George." At no time during the  
7 filming of *Desert Warrior* was Plaintiff aware of *any* religious or sexual content. Indeed, while  
8 on-set, most of Plaintiff's scenes involved playing with the actress who portrayed her "daughter."  
9 The words, "Is Mohammed a child molester," which are attributed to Plaintiff's character, were  
10 words that she *never* uttered on set or during filming. It is obvious that the words heard on the  
11 Film are not consistent with the way in which Plaintiff's mouth moved – making it obvious that  
12 she never uttered those words. These are words that Plaintiff finds repugnant, vile, and hostile and  
13 would never say in *any* context, even during the course of a performance. Plaintiff is an ordained  
14 minister and would never debase another person's religious beliefs. It is not in her character, and  
15 the thought that she would blaspheme *any* religion or god is profoundly distressing to her.

16           5.       When Plaintiff was first cast in *Desert Warrior*, she received pages of the script  
17 from Defendant Nakoula, who identified himself as "Sam Bacile." Defendant Nakoula held  
18 himself out as the writer and producer of the Film. He managed all aspects of production, and as  
19 far as Plaintiff observed, was in charge of all aspects of the production. During filming,  
20 Defendant Nakoula gave Plaintiff his telephone number. The pages of *Desert Warrior* script that  
21 Plaintiff kept are attached hereto as Exhibit A.

22           6.       Plaintiff believes she signed a contract, but only one that ensured that she would  
23 receive IMBD credit for her performance in "Desert Warrior," primarily because Plaintiff is a non-  
24 union actor. She has been unable to locate a copy of any such contract. She is making diligent  
25 efforts to obtain a copy either from Defendant Nakoula or from other actors who appeared in the  
26 production. So far, she has not been able to locate a copy. She does recall that the contract did  
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1 *not* call for her to transfer any rights, including any copyrights, and that it was not a “work for  
2 hire” agreement.

3 7. In any event, even if Plaintiff did sign a contract (in a form unknown to her at this  
4 time, if it exists), Plaintiff contends that any such release is invalid because, no matter what its  
5 terms, it was procured by Defendant Nakoula’s fraud, deception and misrepresentations. Further,  
6 it is the *Defendants’* burden to produce such a release and submit it as evidence, *not* Plaintiff’s  
7 burden.

8 8. Despite the fact that Plaintiff was led to believe that she was providing a dramatic  
9 performance in an adventure film titled *Desert Warrior*, when the Film was released publicly on  
10 YouTube, her depicted performance was grotesquely different than the performance that Plaintiff  
11 actually had delivered. Specifically, the innocuous lines that Plaintiff delivered on set were  
12 overdubbed so as to give the appearance that she was accusing the Islamic religious figure  
13 Mohammed of being a child molester and a sexual deviant. In short, Defendant Nakoula used her  
14 as a puppet. The words that were put into Plaintiff’s mouth are so offensive, not only to Plaintiff  
15 but to millions worldwide, that it sparked a riots and violence around the globe. In the Film,  
16 Plaintiff is depicted to be a bigot and to hold beliefs that are not only anti-Islamic, but antithetical  
17 to Plaintiff’s world view.

18 9. Plaintiff would never have, and in fact did not, agree to place her likeness, image,  
19 persona, nor her dramatic performance into a hateful production or to be associated with hate  
20 speech in any form or fashion.

21 10. Aside from the fallout that occurred after Plaintiff’s performance was distorted and  
22 disguised, it is clear that Plaintiff has a copyright claim in the dramatic performance she delivered  
23 and which was fixed in tangible form when it was filmed during the production of “Desert  
24 Warrior.” Because she did not assign her rights in her dramatic performance, or her copyright  
25 interests, nor was the Film a “work for hire,” her copyright interests in her own dramatic  
26 performance remain intact.



11. Plaintiff has filed an application for federal copyright registration for the rights in her dramatic performance "Desert Warrior." The application is pending; Plaintiff has requested that the Copyright Office expedite it. Whether or not the Copyright Office has yet acted upon Plaintiff's application, federal law creates a copyright when the copyright is created, not upon registration. A true and correct copy of Plaintiff's copyright application, which identifies the works that are the subject of Plaintiff's copyright, is attached as Exhibit B.

12. Defendant YouTube's Terms of Service include the following relevant statements: (1) YouTube accounts "must provide accurate and complete information"; (2) the user of YouTube "will comply with all applicable laws"; (3) in uploading content the user must "affirm, represent, and warrant that you own or have the necessary licenses, rights, consents, and permissions to publish Content you submit; and you license to YouTube all patent, trademark, trade secret, copyright or other proprietary rights in and to such Content for publication on the Service pursuant to these Terms of Service"; and (4) YouTube does not "permit hate speech (speech which attacks or demeans a group based on race or ethnic origin, religion, disability, gender, age, veteran status, and sexual orientation/gender identity)." Plaintiff previously requested that YouTube take down the Film because it constitutes hate speech and because the unauthorized, dubbed depiction of her violates California state laws pertaining to her right to privacy and right to control the use of her likeness, among other protected rights that continued exhibition of the Film violates. YouTube refused Plaintiff's request.

13. Plaintiff has issued five DMCA "takedown notices" to Defendants YouTube and Google, who, by rebroadcasting the Film 24 hours a day, 7 days a week, also are infringing Plaintiff's protected rights in her performance, which fell within the scope of protection of copyright laws the instant her dramatic performance was fixed on film. YouTube and Google have thus far refused to expeditiously remove or disable the infringing content.

### **GENERAL ALLEGATIONS**

#### **A. Jurisdiction and Venue**



1           14. This is a civil action seeking damages and injunctive relief for copyright  
2 infringement under the copyright laws of the United States, 17 U.S.C. § 101 et seq. Plaintiff also  
3 seeks damages and injunctive relief under California state law, were not preempted by Federal  
4 law.

5           15. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal  
6 question jurisdiction), 28 U.S.C. § 1338(a) (jurisdiction over copyright actions), 28 U.S.C. §  
7 1338(b) action asserting a state claim of unfair competition joined with a substantial and related  
8 federal claim under the patent, copyright, or trademark laws), 28 U.S.C. § 1367 (supplemental  
9 jurisdiction), and the doctrines of ancillary and pendent jurisdiction.

10           16. This Court has personal jurisdiction over Defendants because all Defendants have  
11 “continuous, systematic” ties to California, and/or reside in California.

12           17. Venue in this District is proper because a substantial part of the acts and omissions  
13 giving rise to the claims occurred in this district.

14           **B. The Parties**

15           18. Plaintiff Cindy Lee Garcia is an individual and at all relevant times herein was a  
16 resident of Kern County, California.

17           19. Defendant Nakoula Basseley Nakoula, also known as Sam Bacile (“Defendant  
18 Nakoula” or “Bacile”) is an individual and at all relevant times herein as a resident of Los Angeles  
19 County, California.

20           20. Defendant Google, Inc., is a corporation incorporated in Delaware with its principal  
21 place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043. Google  
22 conducts business throughout California, the nation, and the world.

23           21. Defendant YouTube, LLC, is a Google-owned California limited liability company.  
24 YouTube conducts business throughout California, the nation, and the world.

25           22. Plaintiff lacks knowledge of the true names and capacities of the defendants sued  
26 herein as DOES 1-10, inclusive, and therefore sues these defendants by such fictitious names.  
27 These are unidentified posters of the film, as further described below and are individuals who  
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1 assisted in the production of the film, as further described below. Plaintiff will amend this  
2 complaint to allege their true names and capacities when they have been ascertained.

3 23. At all relevant times, each defendant was the agent of each of the other defendants  
4 and was acting within the course and scope of such agency. Defendants are jointly and severally  
5 liable to Plaintiff.

6 24. Plaintiff is informed and believes that each of the defendants designated herein as a  
7 DOE is responsible in some manner for the events and happenings herein alleged, as well as for  
8 the damages alleged.

9 25. Plaintiff is informed and believes that each of the defendants was the agent or  
10 employee of each of the remaining defendants and, at all relevant times herein, acted within the  
11 course and scope of such agency and/or employment.

### 12 **FACTUAL BACKGROUND**

13 26. Plaintiff Garcia is an ordained minister and actress. Garcia works in film.

14 27. In July of 2011, Plaintiff Garcia responded to a casting call for a film titled "Desert  
15 Warrior," which was represented to be an "historical Arabian Desert adventure film." She was  
16 cast in the Film. The producers of the film, including DOES 151-200, and Defendant Nakoula,  
17 intentionally concealed the purpose and content of the film.

18 28. Ms. Garcia was given only specific pages of a script titled *Desert Warrior*. There  
19 was no mention of "Mohammed" during filming or on the set. There were no references made to  
20 religion nor was there any sexual content of which Ms. Garcia was aware. The purported writer  
21 and producers of *Desert Warrior*, Defendant Nakoula a/k/a "Sam Bacile," represented to Plaintiff  
22 that the Film was indeed an adventure film and about ancient Egyptians. Based on those specific  
23 representations made, her parts of the script, and the manner in which the Film was shot, Plaintiff  
24 agreed to deliver an acting performance for "Desert Warrior."

25 29. On July 2, 2012, Defendant Nakoula published a video titled *The Innocence of*  
26 *Muslims* (the "Film") to the Internet site [www.youtube.com](http://www.youtube.com), making the Film available publicly  
27 and globally. The Film includes Plaintiff's acting work from *Desert Warrior* and has been  
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1 changed horrifically to make it appear that Ms. Garcia voluntarily performed in a hateful anti-  
2 Islamic production. The Film is vile and reprehensible. Plaintiff was unaware of the vile content  
3 contained in the Film, as the content and overall purpose of the Film was concealed from her, and  
4 others who appear in the Film, at all times by Defendant Nakoula and DOES 151 through 200.  
5 This lawsuit is not an attack on the First Amendment, nor on the right of Americans to say what  
6 they think, but does request that the offending content be removed from the Internet because not  
7 only it is not speech protected by the First Amendment, it violates Plaintiff Garcia's copyright in  
8 her performance.

9 30. Based on information and belief, in around September of 2012, Defendant Nakoula  
10 published the Film, with the voices of Plaintiffs and her cast mates dubbed into Arabic, on  
11 YouTube. The availability of the Film in Arabic has set off protests and violence first in the  
12 Middle East, then worldwide. That violence resulted in the assassination of four embassy officials  
13 in Libya, including United States Ambassador Christopher Stevens. On information and belief,  
14 Defendant YouTube has made an editorial decision to block the Film from being shown on  
15 computers located in Libya, Saudi Arabia, India, Indonesia, and Egypt, but not to block it from  
16 being shown in most of the other countries in the world.

17 31. The content of the actors' words in Arabic is currently not known to Plaintiff.

18 32. After the Film was published on YouTube, Plaintiff received death threats, which  
19 have increased in numerosity and threat level, despite Plaintiff's efforts to publicly clear her name.

20 33. After the Film was published on YouTube, Plaintiff's family, fearing for their own  
21 safety, informed her that she was no longer permitted to see her grandchildren, whom she  
22 previously babysat regularly.

23 34. After the Film was published on YouTube, Plaintiff's life changed substantially as  
24 a direct result of the Film, in as much as she is now considered a target and the safety of those in  
25 her presence cannot be guaranteed.

1           35.     On September 19, 2012, an Egyptian Cleric issued a fatwa against Ms. Garcia: "I  
2     issue a fatwa and call on the Muslim Youth in American and Europe to do this duty, which is to  
3     kill the director, the producer and the actors and everyone who helped and promoted the film."

4           36.     Plaintiff requested that Google remove the Film from the YouTube Website. Her  
5     request was purportedly passed on to the "YouTube team." The "YouTube team" refused to  
6     remove the content, despite her privacy concerns.

7           37.     On September 24 and 25, 2012, Plaintiff issued five "takedown notices" to  
8     Defendants Google and YouTube pursuant to the Digital Millenium Copyright Act. The notices  
9     informed Defendants Google and YouTube that their continued broadcast of the Film on YouTube  
10    violated Plaintiff's copyright in her performance. The takedown notices identified an aggregate of  
11    171 URLs to be taken down. Defendants Google and YouTube have refused to expeditiously  
12    remove or disable the infringing content, despite requests that it do so. A true and correct copy of  
13    the DMCA notices is attached as Exhibit C.

14          38.     As a result of Defendant Nakoula's falsification of her words in the Film, and  
15    Defendants Google and YouTube's refusal to remove the video from the Internet, Plaintiff has  
16    suffered the violation of her copyright in her performance, severe emotional distress, the  
17    destruction of her career and reputation, the loss of her family and her livelihood, and other  
18    financial and non-pecuniary damage. She has been subjected to credible death threats and is in  
19    fear for her life and the life and safety of anyone associated with her.

20          39.     Despite the suggestions of Defendants and their lawyers that Plaintiff go into  
21    hiding, she refuses to do so, because she refuses to become a victim of terrorism and Defendant  
22    Nakoula's lies. Her courage in coming forward to clear her name and to tell the world that she  
23    does not condone the Film, its message, nor would have ever participated in such an effort is what  
24    Plaintiff believes is keeping her alive. Persons around the world, including Muslims, have  
25    reached out to her to thank her for taking a strong, public and brave stand against the Film's  
26    message, at great peril to herself.

**FIRST CAUSE OF ACTION**

**Direct Infringement of Copyright**

**Against All Defendants**

40. Plaintiff repeats and realleges paragraphs 1 through 39 of this Complaint as though set forth in full.

41. Plaintiff has properly applied to register, and she owns and controls, the copyright in her performance in *Desert Warrior a/k/a Innocence of Muslims*.

42. Without authorization from Plaintiff, or any right under law, Defendants, via YouTube, have unlawfully distributed Plaintiff's copyrighted performance millions of times, by transmitting unauthorized copies of those works to YouTube users upon demand in violation of the Copyright Act, 17 U.S.C. § 106.

43. Defendant Nakoula is directly liable for these acts of infringement under the Copyright Act. It was Defendant Nakoula who initially posted an infringing copy of Plaintiff's performance onto YouTube without authorization.

44. Defendant YouTube is directly liable for these acts of infringement under the Copyright Act. The infringing file resides on servers controlled by Google and YouTube. Google and YouTube cause and affect the infringing act of transmitting copies of Plaintiff's performance works from their servers to the computers of their users. Moreover, YouTube does more than merely respond to user requests in a passive, content-neutral, and automated manner. As set forth above, *supra* paragraph 30, YouTube has played an active role in determining the countries in which the Film will be made available, so that the maximum number of YouTube users will access the infringing content. Thus, YouTube is actively involved in creating the supply of infringing content, making that content broadly available for distribution to the worldwide public at large, and physically transmitting and distributing that infringing content to users. It further exercises active control over the distribution process, in exercising editorial control over where it will and will not make the Film available. For these reasons, among others, YouTube engages in active conduct in unlawfully distributing Plaintiff's copyrighted performance to its users. In order to

1 facilitate and expedite distribution of infringing files to YouTube users, YouTube also makes  
2 additional unauthorized copies of Plaintiff's copyrighted performance on its own servers in  
3 violation of the Copyright Act, 17 U.S.C. § 106. These unauthorized copies are not made by or at  
4 the request of YouTube users, but rather through the decisions and actions of YouTube for its own  
5 business purposes.

6 45. Defendant Google is jointly and severally liable for each act of YouTube's direct  
7 infringement because it directed and participated in, and benefited from, YouTube's infringing  
8 conduct as alleged herein, and its corporate policies have been the guiding spirit behind and  
9 central figure in YouTube's infringing activities. Further, Google earns advertising revenue from  
10 traffic directed to the YouTube site.

11 46. Defendants DOES 1-200 are likewise liable under the Copyright Act for the acts of  
12 infringement identified above for acting in concert with Defendants to post infringing copies of  
13 Plaintiff's performance without authorization, to operate YouTube and/or for infringing  
14 reproductions and distributions of Plaintiff's copyrighted performance separately committed by  
15 defendants DOES 1-200.

16 47. The foregoing acts of infringement by Defendants have been willful, intentional  
17 and purposeful, in disregard of and indifferent to Plaintiff's rights.

18 48. As a direct and proximate result of Defendants' infringement of Plaintiff's  
19 exclusive rights under copyright, Plaintiff is entitled to damages as well as Defendants' profits  
20 pursuant to 17 U.S.C. § 504(b), including but not limited to advertising revenues resulting from  
21 the placement of embedded advertisements in the Film as posted on YouTube.com.

22 49. Alternatively, Plaintiff is entitled to the maximum statutory damages, in the amount  
23 of \$150,000 per infringement, pursuant to 17 U.S.C. § 504(c), or for such other amount as may be  
24 proper pursuant to 17 U.S.C. § 504(c).

25 50. Plaintiff further is entitled to her attorneys' fees and full costs pursuant to 17 U.S.C.  
26 § 505.



1           51. Defendants' conduct is causing, and unless enjoined and restrained by this Court  
 2 will continue to cause, Plaintiff great and irreparable injury that cannot fully be compensated for  
 3 or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C.  
 4 § 502, Plaintiff is entitled to a preliminary and permanent injunction prohibiting further  
 5 infringements of her copyright and exclusive rights under copyright.

6                                   **SECOND CAUSE OF ACTION**

7                                   **Indirect Infringement of Copyright**

8                                   **Against All Defendants**

9           52. Plaintiff repeats and realleges paragraphs 1 through 51 of this Complaint as though  
 10 set forth in full.

11           53. Users of YouTube have infringed, and continue to infringe, Plaintiff's copyright,  
 12 including without limitation those copyrighted works identified in Exhibit B, by reproducing and  
 13 distributing works owned by Plaintiff through YouTube, without authorization from Plaintiff, or  
 14 right under law, in violation of the Copyright Act, 17 U.S.C. § 106. Defendants are liable as  
 15 secondary infringers under the Copyright Act for each infringing reproduction and distribution of  
 16 Plaintiff's performance by YouTube users.

17           54. Defendants YouTube and Google are liable under the Copyright Act for inducing  
 18 the infringing acts of YouTube users. As set forth above, Defendants YouTube and Google  
 19 operate YouTube and provide the YouTube website and service to their users, with the object of  
 20 promoting the use of YouTube to infringe Plaintiff's copyrighted performance, as shown by  
 21 YouTube's clear expression and other affirmative steps to foster infringement. As set forth above,  
 22 Defendants YouTube and Google's inducement of copyright infringement is evident from, among  
 23 other things: (i) the continuing infringing content available on YouTube; (ii) technical measures  
 24 designed to facilitate the widespread dissemination of Plaintiff's copyrighted content, even after  
 25 she has requested takedown of the infringing content; and (iii) Defendants' failure to use any of  
 26 the readily-available means to curtail infringement on the YouTube website. Defendants Google  
 27  
 28

1 and YouTube, therefore, are liable for inducing the unauthorized reproduction and distribution of  
2 Plaintiff's copyrighted work in violation of the Copyright Act, 17 U.S.C. § 106.

3 55. Defendant YouTube is separately liable under the Copyright Act for the infringing  
4 acts of its users as a contributory copyright infringer. Defendant YouTube had actual and  
5 constructive knowledge of massive copyright infringement of Plaintiff's copyrighted performance  
6 by YouTube users, including, without limitation, by means of repeated notices by Plaintiff  
7 concerning the infringing files. Indeed, YouTube has full knowledge that it is being used  
8 continuously to infringe Plaintiff's rights as a copyright owner. Notwithstanding that knowledge,  
9 Defendant YouTube continues to provide a material contribution to that infringement as set forth  
10 above, including without limitation by (i) operating, maintaining and further developing the  
11 YouTube website and service so as to facilitate YouTube users' infringement of Plaintiff's  
12 copyright, (ii) storing infringing content on its servers and making reproductions of such works for  
13 faster distribution, and (iii) making multiple copies of Plaintiff's copyrighted work to enable users  
14 to quickly access Plaintiff's copyrighted work. Without the active contributions from defendant  
15 YouTube, the infringement complained of herein could not have taken place at all, and certainly  
16 not on the massive scale enabled by Defendants' actions. Defendant YouTube is, therefore,  
17 contributorily liable for the unauthorized reproduction and distribution of Plaintiff's copyrighted  
18 works, including those listed on Exhibit B hereto, in violation of the Copyright Act, 17 U.S.C. §  
19 106.

20 56. Defendant YouTube is separately liable under the Copyright Act for the infringing  
21 acts of its users as a vicarious copyright infringer. Defendant YouTube had the right and ability to  
22 supervise and control its users' infringing activity as set forth above, including without limitation  
23 by removing Plaintiff's copyrighted performance from its website, terminating infringing users or  
24 blocking their access to the YouTube website and service, by policing its computer service to  
25 disable access to infringing content, and/or by implementing any number of industry standard  
26 technologies or policies that would have substantially curtailed infringing uses of YouTube. In  
27 addition, at all relevant times Defendant YouTube derived a financial benefit attributable to its  
28



1 users' copyright infringement, including infringement of Plaintiff's copyright, specifically through  
2 advertising revenues obtained by embedding advertisements into copies of the Film broadcast on  
3 YouTube.com. Defendant YouTube is therefore vicariously liable for the unauthorized  
4 reproduction and distribution of Plaintiff's copyrighted works, including those listed on Exhibit B  
5 hereto, in violation of the Copyright Act, 17 U.S.C. § 106.

6 57. Defendant Nakoula is jointly and severally liable for each act of infringement for  
7 which YouTube is liable because he initially posted the infringing copy of Plaintiff's performance,  
8 thus directing, participating in, and benefitting from YouTube's infringing conduct as alleged  
9 herein.

10 58. Defendants DOES 1-10 are liable under the Copyright Act for the acts of  
11 infringement identified above, for acting in concert with Defendants to operate YouTube and/or  
12 for unlawfully inducing, knowingly facilitating, and profiting from copyright infringement by  
13 YouTube users.

14 59. The foregoing acts of infringement by Defendants have been willful, intentional  
15 and purposeful, in disregard of and indifferent to Plaintiff's rights.

16 60. As a direct and proximate result of Defendants' infringement of Plaintiff's  
17 exclusive rights under copyright, Plaintiff is entitled to damages as well as Defendants' profits  
18 pursuant to 17 U.S.C. § 504(b), including but not limited to advertising revenues resulting from  
19 the placement of embedded advertisements in the Film as posted on YouTube.com.

20 61. Alternatively, Plaintiff is entitled to the maximum statutory damages, in the amount  
21 of \$150,000 per infringement, pursuant to 17 U.S.C. § 504(c), or for such other amount as may be  
22 proper pursuant to 17 U.S.C. § 504(c).

23 62. Plaintiff further is entitled to her attorneys' fees and full costs pursuant to 17 U.S.C.  
24 § 505.

25 63. Defendants' conduct is causing, and unless enjoined and restrained by this Court  
26 will continue to cause, Plaintiff great and irreparable injury that cannot fully be compensated for  
27 or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502,  
28

1 Plaintiff is entitled to a preliminary and permanent injunction prohibiting further infringements of  
2 her copyright and exclusive rights under copyright.

### 3 THIRD CAUSE OF ACTION

#### 4 **Fraud**

5 Against Defendant Nakoula and DOES 1-10

6 64. The allegations set forth in paragraphs 1 through 63 are realleged and incorporated  
7 herein by reference.

8 65. Defendant Nakoula and DOE Defendants 1-10 represented to Plaintiff that the Film  
9 was an "adventure" film, and that she would be depicted as a benign historical character.

10 66. Defendant Nakoula and DOE Defendants 1-10's representations that he intended to  
11 make an "adventure" film, and that Plaintiff would be depicted as a concerned mother, were false.  
12 Instead, Defendant Nakoula and DOE Defendants 1-10 made an anti-Islam propaganda film, in  
13 which Plaintiff is falsely made to appear to accuse the founder of the Islamic religion of being a  
14 sexual deviant and child molester.

15 67. When Defendant Nakoula and DOE Defendants 1-10 represented to Plaintiff that  
16 he intended to make an "adventure" film, and that her character was merely to express concern for  
17 her child, they knew that the representations were false, or they made the representations with  
18 reckless disregard as to their falsity.

19 68. Defendant Nakoula and DOE Defendants 1-10 made the misrepresentations with  
20 the intent to defraud Plaintiff. In making the misrepresentations, Defendant Nakoula and DOE  
21 Defendants 1-10 intended to induce Plaintiff to rely upon the misrepresentations and to act upon  
22 them by agreeing to appear in Defendant Nakoula's "adventure" film.

23 69. At the time Defendant Nakoula and DOE Defendants 1-10 made the  
24 misrepresentations, Plaintiff was unaware of the falsity of the misrepresentations. Plaintiff acted  
25 in reliance on the truth of the misrepresentations, in that the misrepresentations substantially  
26 influenced her actions, and Plaintiff was justified in relying on the misrepresentations.

70. As a direct and proximate result of Defendant Nakoula and DOE Defendants 1-10's intentional misrepresentations, Plaintiff has incurred and will incur substantial damages, in an amount to be determined at trial, and additionally is entitled to an award of punitive damages.

#### **FOURTH CAUSE OF ACTION**

##### **Unfair Business Practices Under Cal. Bus. Prof. Code 17200**

Against Defendant Nakoula and DOES 1-10

71. The allegations set forth in paragraphs 1 through 70 are realleged and incorporated herein by reference.

72. The aforementioned acts of Defendant Nakoula and the DOE Defendants constitute unfair, fraudulent and/or illegal business practices within the meaning of California's Unfair Competition Law ("UCL"), embodied in Section 17200, et seq. of the California Business and Professions Code.

73. Defendant Nakoula and the DOE Defendants' actions, including fraudulently enticing Plaintiff into appearing in an anti-Islam propaganda film, manipulating the soundtrack of the Film to make it appear that Plaintiff was slandering Islam and Muslim beliefs.

74. Defendant Nakoula and DOE Defendants 1-10's actions were fraudulent in that they deceived Plaintiff as to the true nature of the film project in which she participated, and in that they manipulated Plaintiff's image to create the false appearance of anti-Muslim bigotry by Plaintiff.

75. Defendant Nakoula and the DOE Defendants' actions were illegal in that they violated Section 16600 of the California Business and Professions Code in that the conduct has made it impossible to practice her trade, profession or occupation.

76. Defendant Nakoula and the DOE Defendants' actions were unfair in that, by fraudulently inducing Plaintiff to appear in *Desert Warrior a/k/a Innocence of Muslims*, and by rebroadcasting her dubbed and altered performance worldwide, they have made Plaintiff the target of numerous death threats, and caused her to lose her job and her family, all through no fault of her own.

77. Defendant Nakoula and the DOE Defendants' unfair, deceptive, and fraudulent practices originated from and/or occurred primarily in California. The decision to dub Plaintiff's voice to make it appear as though she was spouting inflammatory material about Islam was made in California. The decision to refuse to remove the Film from YouTube was made in California.

78. Pursuant to California Business & Professions Code Section 17203, Plaintiff seeks an order of this Court permanently enjoining Defendant Nakoula and the DOE Defendants from continuing to engage in the unlawful, unfair, and fraudulent conduct described herein. Plaintiff seeks an order requiring Defendant Nakoula and the DOE Defendants to: (1) immediately cease the unlawful, unfair, and fraudulent practices stated in this Complaint; and (2) award Plaintiff reasonable costs and attorneys' fees pursuant to California Code of Civil Procedure Section 1021.5.

79. By reason of the alleged acts and conduct of Defendants, Plaintiff has suffered and will suffer further harm, including the loss of employment, the loss of her family, and the fear of violent retribution. Plaintiff is fully entitled to her remedies allowed under the UCL, including restitution for her lost wages and the cost of security protection for herself and her family.

#### **FIFTH CAUSE OF ACTION**

#### **Against Nakoula and DOES 1-10**

#### **Libel**

80. The allegations set forth in paragraphs 1 through 79 are realleged and incorporated herein by reference.

81. By making and republishing the Film, Defendant Nakoula and the DOE Defendants made a statement of and concerning Plaintiff or words that suggest that Plaintiff approved the finished product and message of the Film, and stating that Plaintiff said blasphemous words, which she did not.

82. The statements are false as they pertain to Plaintiff. In making these statements, Defendant Nakoula and the DOE Defendants knew or should have known that Plaintiff has never called the founder of Islam a child molester.

1           83.     Furthermore, these statements are defamatory because they carry the meaning that  
2 Plaintiff is a religious bigot.

3           84.     The statements have been understood by those who saw and heard them on  
4 YouTube to mean that Plaintiff it a religious bigot.

5           85.     Plaintiff is informed and believes and thereon alleges that the statements that  
6 Defendant Nakoula, along with DOE Defendants 1-10, literally "put in her mouth," which Google  
7 refuses to remove from YouTube, have been seen and heard by millions of individuals throughout  
8 the world, whose names are not presently known to Plaintiff.

9           86.     These words were slanderous because they tend to injure Plaintiff in her profession,  
10 trade and business by imputing to her a general disqualification for working with the public,  
11 something that the occupation and duties of her profession peculiarly require, and the profitability  
12 of which is naturally lessened if she is believed to be a religious bigot.

13           87.     These words published by Defendant Nakoula and the DOE Defendants were stated  
14 not as a matter of opinion, but as a matter of fact, and therefore were not protected or privileged in  
15 any way.

16           88.     The words published by Defendant Nakoula and the DOE Defendants also were  
17 slanderous because Plaintiff never called the founder of Islam a child molester, either on the set of  
18 the Film or at any other place or time.

19           89.     At no relevant time did Plaintiff ratify or consent to the dissemination of the  
20 statements, on YouTube or anywhere else. In fact, Plaintiff subsequently contacted Defendant  
21 Nakoula to ask him to remove the Film from YouTube and also contacted Google and YouTube to  
22 request the same thing, numerous times.

23           90.     Plaintiff is informed and believes and thereon alleges that Defendant Nakoula and  
24 the DOE Defendants repeated the false statements to others, including a worldwide audience on  
25 YouTube.

26

27

28

91. The words that Defendant Nakoula and the DOE Defendants put, and kept, in Plaintiff's mouth carried a defamatory meaning by their very terms and were understood by those who saw and heard them in a way that defamed Plaintiff.

92. Defendant Nakoula and the DOE Defendants further published such statements deliberately and with knowledge and intention that such words would be heard by a worldwide YouTube.com audience.

93. As a proximate result of Defendant Nakoula and the DOE Defendants' publication of the false statements, Plaintiff has suffered loss of her reputation, shame, mortification, and hurt feelings all to her general damages in a sum to be proven at trial.

94. As a further result of Defendant Nakoula and the DOE Defendants' publication of the false statements, Plaintiff has suffered special damages according to proof.

95. As the above-described statements were published with malice and oppression and fraud, an award of exemplary and punitive damages is necessary and appropriate.

#### **SIXTH CAUSE OF ACTION**

#### **Against Defendant Nakoula and the DOE Defendants**

#### **Intentional Infliction of Emotional Distress**

96. The allegations set forth in paragraphs 1 through 95 are realleged and incorporated herein by reference.

97. The conduct set forth hereinabove was extreme and outrageous and an abuse of the authority and position of Defendant Nakoula and the DOE Defendants, and each of them. Said conduct was intended to cause severe emotional distress, or was done in conscious disregard of the probability of causing such distress. Said conduct exceeded the inherent risks of Plaintiff's work as an actress and was not the sort of conduct normally expected to occur in the production of a Film, or in the posting of a film to YouTube. Defendants, and each of them, engaged in conduct intended to make Plaintiff a target of extremist violence.

98. The foregoing conduct did in fact cause Plaintiff to suffer extreme emotional distress. As a proximate result of said conduct, Plaintiff suffered embarrassment, anxiety,



1 humiliation and emotional distress, and will continue to suffer said emotional distress in the future  
 2 in an amount according to proof.

3 **PRAYER**

4 Plaintiff Garcia prays for judgment against Defendants as follows:

5 1. For a preliminary and permanent injunction enjoining Defendants and their  
 6 respective officers, agents, servants, employees, and attorneys, and all persons in active concert or  
 7 participation with each or any of them, from directly committing, aiding, encouraging, enabling,  
 8 inducing, causing, materially contributing to, or otherwise facilitating the unauthorized  
 9 reproduction or distribution of copies of Plaintiff's copyrighted performance.

10 2. For all damages to which Plaintiff may be entitled, including but not limited to  
 11 Defendants' profits, in such amounts as may be found. Alternatively, as Plaintiff's election, for  
 12 statutory damages in the maximum amount allowed by law.

13 3. For special damages arising from the loss of business and business opportunities,  
 14 according to proof at trial.

15 4. For restitution.

16 5. For exemplary and punitive damages.

17 6. For attorney fees and costs of suit incurred herein.

18 7. For such other and further relief as the Court deems just and proper.

19 THE ARMENTA LAW FIRM, A.P.C.  
 20

21 Dated: October 4, 2012

22 By:   
 23

24 M. Cris Armenta  
 25 Attorneys for Plaintiff  
 26 Cindy Lee Garcia  
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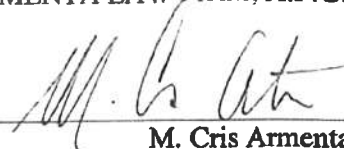
**REQUEST FOR JURY TRIAL**

Plaintiff hereby requests a trial for jury.

Dated: October 4, 2012

THE ARMENTA LAW FIRM, A.P.C.

By:



M. Cris Armenta  
Attorneys for Plaintiff  
Cindy Lee Garcia



## **EXHIBIT A**

60

EXT. KERO'S TENT - DAY

60

ME

Kero's wife, Om Roman, is sitting quietly and knitting when Kero enters excitedly.

KERO

Let the house of Kero be joyous.

RAMON

What is wrong with you husband? We do not have that much to be happy for.

KERO

Oh but we do. The Master has asked our daughter's hand in marriage.

RAMON seems concerned.

RAMON

And this make you happy?

KERO

Yes, of course, it makes me very happy! My daughter shall have the stars!

RAMON

Are you crazy? Is your George crazy? Your daughter has not yet reached her 13th year yet. George must be fifty five years old by now!

ABI KERO

He is fifty-three not fifty-five. He has both wealth and power. My daughter shall be his bride whether we say yes or no. And he has promised to make the Caliph of the Bossas after him.

RAMON

Then there is nothing I can do for my poor daughter Hillary. She is not yet thirteen years of age and he is fifty three. What a strange world that we live in... what a strange world.

There is a moment of silence and George enters.

ER85

60

EXT. KERO'S TENT - DAY

60 .

ME

Kero's wife, Om Roman, is sitting quietly and knitting when Kero enters excitedly.

KERO

Let the house of Kero be joyous.

RAMON

What is wrong with you husband? We do not have that much to be happy for.

KERO

Oh but we do. The Master has asked our daughter's hand in marriage.

RAMON seems concerned.

RAMON

And this make you happy?

KERO

Yes, of course, it makes me very happy! My daughter shall have the stars!

RAMON

Are you crazy? Is your George crazy? Your daughter has not yet reached her 13th year yet. George must be fifty five years old by now!

ABI KERO

He is fifty-three not fifty-five. He has both wealth and power. My daughter shall be his bride whether we say yes or no. And he has promised to make the Caliph of the Bossas after him.

RAMON

Then there is nothing I can do for my poor daughter Hillary. She is not yet thirteen years of age and he is fifty three. What a strange world that we live in... what a strange world.

There is a moment of silence and George enters.

ER86

61

EXT. HOUSE OF KERO - DAY

61

RAMON goes outside to fetch her daughter. Some women are doing chores. She finds the children playing together on the tree swings. She takes Hillary by the hand and goes inside the house.

ADD TO DAY

KERO

Thank you Master. You bless me by  
coming into my humble home.

GEORGE

You are a good man and a good  
follower of me Kero. You will be a  
good father in law and you shall  
indeed have your place in God's  
paradise.

KERO

Praise be to God... praise be to  
God.

RAMON returns leading Hillary by the hand. She takes her over  
to George and puts her hand into George's hand.

RAMON

Hillary this is George, Master. He  
is going to be your husband.

George looks at her with that look that only a man can give a  
woman as he rubs the back of her hand.

GEORGE

Isn't that wonderful Hillary, my  
bride? Praise be to God.

George stands and picks Hillary up in his arms.

GEORGE (CONT'D)

Come, for now you belong to me, to  
the Master.

He walks toward the door carrying the girl. Hillary looks  
back toward her mother and reaches out a hand. She calls out,  
nearly in tears, simply because she does not understand what  
just happened.

HILLARY

Mother... Mother... RAMON, I'm  
hungry.

RAMON looks at her.

RAMON

It is okay Hillary... every thing  
will be alright.

RAMON watches them leave. It is obvious she doesn't believe  
her own words. A single tear runs down her cheek.

63

EXT. KERO'S TENT - DAY

63

George carries Hillary outside as the other women are blessing them.

WOMEN

May God bless you both... May God  
bless you both.

Hillary is frightened and does not know what is happening.  
Once again she calls out to her mother.

HILLARY

Mother... Mother... Mother I'm  
hungry.

GEORGE

With me there is no need to be  
frightened, my bride.

HILLARY

Where are you taking me?

GEORGE

Wherever I want to go. I am the  
Master. Do you not know that my  
bride?

George says something in her ear. She slaps him on his face,  
but he just laughs.

ER89

GEORGE  
Kero... did you announce the good  
news to the bride? I would not be  
surprised if she has fainted over  
the good news.

2 RAMON  
I am the only one who came close to  
fainting.

GEORGE  
From joy, of course, my mother in  
law.

3 RAMON  
Of course, my son in law.

GEORGE  
I already knew that or I would not  
be the Master. Now where is my  
bride? Where is my beautiful bride,  
my father in law?

RAMON  
She is on the swing with other  
children, my son in law.

KERO  
Go and fetch her woman. Do not keep  
your soon to be son in law  
waiting... I mean the Master  
waiting!

RAMON does as she is told and immediately gets up and heads  
out the door.

## **EXHIBIT B**



Copyright Office fees are subject to change. For current fees, check the Copyright Office website at [www.copyright.gov](http://www.copyright.gov), write the Copyright Office, or call (202) 707-3000.

Privacy Act Notice: Sections 406-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. §705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

**Form PA**  
For a Work of Performing Arts  
UNITED STATES COPYRIGHT OFFICE  
REGISTRATION NUMBER

PA PAU  
EFFECTIVE DATE OF REGISTRATION  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

"Desert Warrior"

PREVIOUS OR ALTERNATIVE TITLES ▼

"Innocence of Muslims"

NATURE OF THIS WORK ▼ See Instructions

Audio-visual work, pertaining to Cindy Lee Garcia's dramatic performance in "Desert Warrior" and put on film

2

NAME OF AUTHOR ▼

Cindy Lee Garcia

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

1957 NA

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

Citizen of U.S.A.

OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Dramatic performance in film entitled "Desert Warriors" affixed to film

NAME OF AUTHOR ▼

Cindy Lee Garcia

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

Citizen of U.S.A.

OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Dramatic performance fixed in tangible medium of expression (i.e. film)

NAME OF AUTHOR ▼

Cindy Lee Garcia

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

1957

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

Citizen of U.S.A.

OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2011 Year

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month July Day 2 Year 2012

only partially published, U.S.A. Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Cindy Lee Garcia c/o The Armenta Law Firm, 11900 W. Olympic Boulevard, Suite 730, Los Angeles, CA 90064

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

[Ms. Garcia did not sign any work for hire agreement nor a release or relinquishment of her rights when she acted in "Desert Warrior."]

MORE ON BACK ▶

• Complete all applicable spaces (numbers 5-9) on the reverse side of this page  
• See detailed instructions  
• Sign the form at line 5

DO NOT WRITE HERE

Page 1 of pages

EXAMINED BY \_\_\_\_\_

FORM PA

CHECKED BY \_\_\_\_\_

CORRESPONDENCE

Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) If your answer is No, do not check box A, B, or C.a. ☒ This is the first published edition of a work previously registered in unpublished form.b. ☒ This is the first application submitted by the author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.  
Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a 6

See instructions  
before completing  
this space

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Garcia gave a dramatic performance for "Desert Warrior" fixed in film in 2011. Since then, the producer of the film altered her performance, dubbing in words she did not say, and changing the film's intent and name to "Innocence of Muslims."

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip ▼

M. Cris Armenta, The Armenta Law Firm APC, 11900 W. Olympic Boulevard, Suite 730, Los Angeles, CA 90064

b

Area code and day/time telephone number ( 310 ) 826-2826

Fax number ( 310 ) 826-5456

Email cris@crisarmenta.com

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▶

- ☒ author  
☐ other copyright claimant  
☐ owner of exclusive right(s)  
☐ authorized agent of \_\_\_\_\_

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Cindy Lee Garcia

Date September 25, 2012

Handwritten signature (X) ▼

See attached faxed signature

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▼

Number/Street/Apt ▼

City/State/Zip ▼

## YOU MUST

• Complete all necessary spaces

• Sign your application in space 8

SEND ALL DOCUMENTS

IN THE SAME PACKAGE

1. Application form

2. Nonrefundable filing fee in check or money

order payable to Register of Copyrights

3. Deposit material

MAIL TO:

Library of Congress

Copyright Office-P&amp;D

101 Independence Avenue SE

Washington, DC 20540-4230

9

\*17 U.S.C. §506(b): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Office: 2010-357-02340,085

You created this PDF from an application that is not licensed to print to novaPDF printer (<http://www.novapdf.com>)

ER93

TOTAL P.03

<b>EXAMINED BY</b>		<b>FORM 7A</b>
<b>CHECKED BY</b>		
<input type="checkbox"/> <b>CORRESPONDENCE</b>		<b>FOR COPYRIGHT OFFICE USE ONLY</b>
<input type="checkbox"/> <b>Yes</b>		

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**PREVIOUS REGISTRATION HAS REQUESTED FOR THIS WORK, OR FOR ANOTHER VERSION OF THIS WORK, ALREADY MADE IN THE COPYRIGHT OFFICE**

☐ **Yes** ☐ **No** If you answer "Yes," why is another registration being sought? Check appropriate box(es). If your answer is No, do not check box A, B, or C.

**a** ☐ This is the first published version of a work previously unpublished in unpublished form.

**b** ☐ This is the first published version of a work previously unpublished in unpublished form.

☐ This is a changed version of the work, as shown by space 6 on this application.

If you answer "Yes," give Previous Registration Number  Year of Registration

**DERIVATIVE WORK OR TRANSLATION** Complete both space 6a and 6b for a derivative work; complete only 6a for a translation.

Providing material identity by providing work of derivative based on or incorporation

**a** **6**

**Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

**b** Garcia gave a dramatic performance for "Dante Warrior" filmed in film in 2011. Since then, the producer of the film altered her performance, dubbing in words she did not say, and changing the film's intent and name to "Innocence of Misfortune."

**a** **7**

**DEPOSIT AT TWINT** Use registration fee to be deposited in a Deposit Account established in the Copyright Office, give name and number of Account.

**b**

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip

M. Orla Armenta, The Armenta Law Firm APC, 11900 W. Olympic Boulevard, Suite 730, Los Angeles, CA 90064

Phone and daytime telephone number ( 910 ) 826-2826 Fax number ( 310 ) 826-5456

Email [orla@armentlaw.com](mailto:orla@armentlaw.com)

**CERTIFICATION** I, the undersigned, hereby certify that I am the

Check only one ☐ author ☐ other copyright claimant ☐ owner of exclusive rights ☐ authorized agent of

Name of author or other copyright claimant, in case of exclusive rights

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date  If this application gives a date of publication in space 6, do not sign and submit it before that date.

Clinty Lau Garcia Date **September 25, 2012**

**Handwritten signature** ☒ **Clinty Lau Garcia**

**9**

**Comments** (If any person who knowingly makes a false statement or of a material fact in the application for copyright registration, provided for by section 505, or in any other statement made in connection with the application, shall be fined not more than \$5,000.)

P.03

SEP-25-2012 13:41

ER94

Sent from my iPhone

Begin forwarded message:

**From:** Copyright Office <cop-rc@loc.gov>  
**Date:** September 25, 2012 1:42:10 PM EDT  
**To:** Cris Armenta <cris@crisarmenta.com>  
**Subject:** Acknowledgement of Receipt

Thank you for submitting your registration claim using the electronic Copyright Office (eCO) System. This email confirms that your application and payment for the work Desert Warrior were received on 09/25/2012. The following applies to registration claims only (not preregistrations):

The effective date of registration is established when the application, payment AND the material being registered have been received. If you have not yet sent the material to be registered, logon to eCO ([https://eco.copyright.gov/eService\\_enu/](https://eco.copyright.gov/eService_enu/)) and click the blue case number associated with your claim in the Open Cases table, then do one of the following:

**Upload a digital copy (if eligible):** Click the "Upload Deposit" button at the top of the Case Summary screen, then browse and select the file(s) you wish to upload. Be sure to click the "Upload Complete" button on the Case Summary screen when you have finished uploading your file(s). Note: only certain categories of works are eligible to be registered with digital copies (See FAQs: [http://www.copyright.gov/eco/faq.html#eCO\\_1.4](http://www.copyright.gov/eco/faq.html#eCO_1.4) and <http://www.copyright.gov/eco/help-file-types.html>).

**Mail a physical copy(ies):** Click the Create Shipping Slip button at the top of the Case Summary screen, then click the Shipping Slip link that appears in the Send By Mail table. Print out and attach the shipping slip to the copy(ies) of your work. For multiple works, be sure to attach shipping slips to the corresponding copies.

A printable copy of the application will be available within 24 hours of its receipt. To access the application, click the My Applications link in the left top most navigation menu of the Home screen.

You will be issued a paper certificate by mail after the registration has been completed. You may check the status of this claim via eCO using this number 1-828151641. [THREAD ID: 1-DP2T9R]

United States Copyright Office

**To:** David Hardy; Credence Sol; Jason Armstrong  
**Cc:** Heather Rowland  
**Subject:** Fwd: Acknowledgement of Receipt

**Heather Rowland**

---

**From:** Cris Armenta  
**Sent:** Tuesday, September 25, 2012 10:44 AM



**Heather Rowland**

---

**Subject:**

**FW: Case# 1-828151641 Cindy Lee Garcia**

**Attn: Marti/212230**

**From:** ctinfo [mailto:ctinfo@loc.gov]

**Sent:** Wednesday, September 26, 2012 11:22 AM

**To:** Heather Rowland

**Cc:** ctinfo

**Subject:** RE: Case# 1-828151641 Cindy Lee Garcia Attn: Marti/212230

Heather Rowland,

That's fine.

Kind Regards,

Contractor to LOC/Copyright Technology Office  
Library of Congress  
101 Independence Ave, SE  
Washington DC 20540  
Office # 202-707-3002

mw

**From:** Heather Rowland [mailto:heather@crisarmenta.com]

**Sent:** Wednesday, September 26, 2012 2:21 PM

**To:** ctinfo

**Subject:** RE: Case# 1-828151641 Cindy Lee Garcia Attn: Marti/212230

I will mail a copy on DVD/R and it will be to your office tomorrow via FedEx. Does that work?

Thanks,

Heather Rowland  
Assistant to M. Cris Armenta  
The Armenta Law Firm APC  
11900 Olympic Boulevard, Suite 730  
Los Angeles, CA 90064  
(310) 601-8715 Direct  
(310) 384-3548 Cell  
(310) 826-5456 Fax  
[www.crisarmenta.com](http://www.crisarmenta.com)

**From:** ctinfo [mailto:ctinfo@loc.gov]

**Sent:** Wednesday, September 26, 2012 11:19 AM

**To:** Heather Rowland

**Cc:** ctinfo

**Subject:** RE: Case# 1-828151641 Cindy Lee Garcia Attn: Marti/212230

Heather Rowland,

It is not recommended that you do both, only one or the other.

**The upload feature has been enabled.**

**Multiple uploads are permitted.**

You can either upload your work electronically or send it in by mail. You should log into your account, click on open cases, click on your case number (make sure that your pop-up blocker is off), and you should then see buttons that will give you the option to upload your work electronically or send it by mail. If you want to upload, click on the 'upload deposit' button. A screen should come up (maximize that window) that will allow you to browse for your work and submit it electronically via upload to the Copyright Office. After clicking on the "Upload Deposit" button to upload your files, wait until you have completed uploading ALL of your files **THEN AND ONLY THEN** click on the "Upload Complete" button to complete the process. If you want to send your work by mail you should click on the button to 'create a shipping slip'. It should create a link for a shipping slip that you can click on that will open up the slip. You should print it out and send in with your work.

**If you continue to experience problems please phone for assistance.**

Kind Regards,

**Contractor to LOC/Copyright Technology Office  
Library of Congress  
101 Independence Ave, SE  
Washington DC 20540  
Office # 202-707-3002**

-----

mw 2122230



From: (310) 826-2828  
Maria Amenda  
The Amenda Law Firm  
11900 Olympic Boulevard  
Los Angeles, CA 90064

Origin ID: CIBA



Ship Date: 26SEP12  
ActWgt: 1.0 LB  
CAD: 8678074/MET3300

Delivery Address Bar Code



SHIP TO: (310) 601-9716  
Copyright Office - MP  
Library of Congress  
101 INDEPENDENCE AVE SE

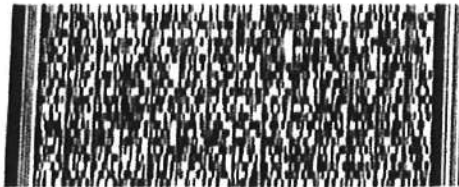
BILL SENDER

Ref # Garcia  
Invoice #  
PO #  
Dept #

WASHINGTON, DC 20559

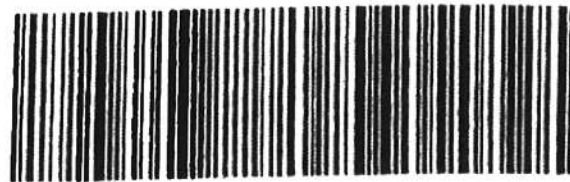
THU - 27 SEP A2  
STANDARD OVERNIGHT

TRK# 7990 5616 8750  
6201



**XC YKNA**

20559  
DCUS  
DCA



515G1003A114

**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning:** Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

## **EXHIBIT C**

ER101

**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Monday, September 24, 2012 12:56 PM  
**To:** debratucker@google.com; copyright@google.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request  
**Attachments:** YouTube-Google Takedown Notice (9-24-12).pdf

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as "*The Innocence of the Muslims*" that have been posted on YouTube.

I am also faxing a copy of this Takedown Request to you at (650) 872-8513.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

**DMCA Solutions**  
31 Hastings Street  
Mendon, MA 01756

September 24, 2012

**Sent by Facsimile & Email**

YouTube, LLC  
Attn: Debra Tucker, Designated Agent  
901 Cherry Avenue  
San Bruno, CA  
Fax: (650) 872-8513  
Email: [debratucker@google.com](mailto:debratucker@google.com)  
Email: [copyright@google.com](mailto:copyright@google.com)

Re: YouTube DMCA Takedown Request: Copyright Infringement  
Video – *The Innocence of the Muslims*

Dear Ms. Tucker:

DMCA Solutions, LLC, acting as agent on behalf of copyright holder Cindy Lee Garcia for the purposes of filing this Takedown Request, hereby submits the following:

**What is the Issue:**

**Copyright Infringement:** Cindy Lee Garcia, an actress, has an original copyright that remains vested in her in her audio-visual dramatic performance in a film in which her performance has been altered and adulterated without her consent and posted on YouTube, infringing her copyright.

**Copyright Infringement: Who is Affected**

Cindy Lee Garcia, the copyright owner

**Identification of the Copyrighted Work Claimed to have been Infringed:**

Cindy Lee Garcia's audio-visual dramatic performance in a film originally titled *The Desert Warrior* but altered without her consent and posted on YouTube under the title *The Innocence of the Muslims*.

**Identification of the material that is claimed to be infringing**

Video posted on YouTube under the title *The Innocence of Muslims* but originally titled *The Desert Warrior*

**URLs of the Offending Video:**

<http://www.youtube.com/watch?v=1nW54iK-7Cs&feature=fvvr>

[http://www.youtube.com/watch?v=2Q\\_tD0BGhy4](http://www.youtube.com/watch?v=2Q_tD0BGhy4)

[http://www.youtube.com/watch?v=fBDTS\\_YAWyl](http://www.youtube.com/watch?v=fBDTS_YAWyl)

ER103

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

<http://www.youtube.com/watch?v=f1VBdyU5ONQ&feature=related>

<http://www.youtube.com/watch?v=FteusCTGO3M>

<http://www.youtube.com/watch?v=HWHajR9IMME>

<http://www.youtube.com/watch?v=l7Smzt607oE>

<http://www.youtube.com/watch?v=l7Smzt607oE&feature=fvsr>

<http://www.youtube.com/watch?v=VnYcWmcYBrw&feature=fvsr>

<http://www.youtube.com/watch?v=X6s8eFk190Q>

<http://www.youtube.com/watch?v=XKtIPnZ8iU>

<http://www.youtube.com/watch?v=ypz3kS75bsw>

Copyright Owner's Name: **Cindy Lee Garcia**

Authorized Agent: **DMCA Solutions, LLC**  
**31 Hastings Street**  
**Mendon, MA 01756**  
**USA**  
**(202) 350-0200**  
**David.Hardy@DMCASolutions.com**

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:



David Hardy, President

**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Monday, September 24, 2012 6:47 PM  
**To:** debratucker@google.com; copyright@youtube.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request #2  
**Attachments:** YouTube - Google Takedown Request #2 (9-24-12).docx

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as "*The Innocence of the Muslims*" that have been posted on YouTube.

I am also faxing a copy of this Takedown Request to you at (650) 872-8513.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
David.Hardy@DMCASolutions.com

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

September 24, 2012

**Sent by Facsimile & Email**

YouTube, LLC  
Attn: Debra Tucker, Designated Agent  
901 Cherry Avenue  
San Bruno, CA  
Fax: (650) 872-8513  
Email: [debratucker@google.com](mailto:debratucker@google.com)  
Email: [copyright@youtube.com](mailto:copyright@youtube.com)

Re: YouTube DMCA Takedown Request: Copyright Infringement  
Video – *The Innocence of the Muslims* – Takedown Request #2

Dear Ms. Tucker:

DMCA Solutions, LLC, acting as agent on behalf of copyright holder Cindy Lee Garcia for the purposes of filing this Takedown Request, hereby submits the following:

**What is the Issue:**

Copyright Infringement: Cindy Lee Garcia, an actress, has an original copyright that remains vested in her in her audio-visual dramatic performance in a film in which her performance has been altered and adulterated without her consent and posted on YouTube, infringing her copyright.

**Copyright Infringement: Who is Affected**

Cindy Lee Garcia, the copyright owner

**Identification of the Copyrighted Work Claimed to have been Infringed:**

Cindy Lee Garcia's audio-visual dramatic performance in a film originally titled *The Desert Warrior* but altered without her consent and posted on YouTube under the title *The Innocence of the Muslims*.

**Identification of the material that is claimed to be infringing**

Video posted on YouTube under the title *The Innocence of Muslims* but originally titled *The Desert Warrior*

**URLs of the Offending Video:**

<http://www.youtube.com/watch?v=MAiOEV0v2RM>

[http://www.youtube.com/watch?v=X\\_wTvx6-ok4](http://www.youtube.com/watch?v=X_wTvx6-ok4)

<http://www.youtube.com/watch?v=xMZcd6UY1s4>

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

Page 2

<http://www.youtube.com/watch?v=X6s8eFk190Q>

<http://www.youtube.com/watch?v=wdw-cgjH-ZU>

<http://www.youtube.com/watch?v=oLip6P2ksd8>

[http://www.youtube.com/watch?v=3dUwhPIAi\\_Y](http://www.youtube.com/watch?v=3dUwhPIAi_Y)

<http://www.youtube.com/watch?v=PbX3Caqm960>

<http://www.youtube.com/watch?v=qmodVun16Q4>

<http://www.youtube.com/watch?v=LoBwR9KEGUc&bpctr=1348536278>

<http://www.youtube.com/watch?v=E1ggHpWXvbs>

[http://www.youtube.com/watch?v=p\\_wRkA16SNg](http://www.youtube.com/watch?v=p_wRkA16SNg)

<http://www.youtube.com/watch?v=PbX3Caqm960>

<http://www.youtube.com/watch?v=qmodVun16Q4>

<http://www.youtube.com/watch?v=qmodVun16Q4>

<http://www.youtube.com/watch?v=n20lbnB2XM>

<http://www.youtube.com/watch?v=XIWYZA1MqAA>

[http://www.youtube.com/watch?v=SL8hW\\_ZZaY](http://www.youtube.com/watch?v=SL8hW_ZZaY)

<http://www.youtube.com/watch?v=8QTtKQR0PBY>

<http://www.youtube.com/watch?v=iDigIAhMeIY>

Copyright Owner's Name: Cindy Lee Garcia

Authorized Agent: DMCA Solutions, LLC  
31 Hastings Street  
Mendon, MA 01756  
USA  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

ER107



**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

Page 3

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:

A handwritten signature in black ink, appearing to read 'David Hardy', with a large, stylized flourish at the end.

David Hardy, President

ER108

**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Monday, September 24, 2012 7:23 PM  
**To:** debratucker@google.com; copyright@youtube.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request #3 (9-24-12)  
**Attachments:** YouTube-Google Takedown Request #3 (9-24-12).docx

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as *"The Innocence of the Muslims"* that have been posted on YouTube.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

September 24, 2012

**Sent by Facsimile & Email**

YouTube, LLC  
Attn: Debra Tucker, Designated Agent  
901 Cherry Avenue  
San Bruno, CA  
Fax: (650) 872-8513  
Email: [debratucker@google.com](mailto:debratucker@google.com)  
Email: [copyright@youtube.com](mailto:copyright@youtube.com)

Re: YouTube DMCA Takedown Request: Copyright Infringement  
Video – *The Innocence of the Muslims* – Takedown Request #3

Dear Ms. Tucker:

DMCA Solutions, LLC, acting as agent on behalf of copyright holder Cindy Lee Garcia for the purposes of filing this Takedown Request, hereby submits the following:

**What is the Issue:**

Copyright Infringement: Cindy Lee Garcia, an actress, has an original copyright that remains vested in her in her audio-visual dramatic performance in a film in which her performance has been altered and adulterated without her consent and posted on YouTube, infringing her copyright.

**Copyright Infringement: Who is Affected**

Cindy Lee Garcia, the copyright owner

**Identification of the Copyrighted Work Claimed to have been Infringed:**

Cindy Lee Garcia's audio-visual dramatic performance in a film originally titled *The Desert Warrior* but altered without her consent and posted on YouTube under the title *The Innocence of the Muslims*.

**Identification of the material that is claimed to be infringing**

Video posted on YouTube under the title *The Innocence of Muslims* but originally titled *The Desert Warrior*

**URLs of the Offending Video:**

<http://www.youtube.com/watch?v=BJqhCKyLOvE>

<http://www.youtube.com/watch?v=vEIHfaIK93M>

<http://www.youtube.com/watch?v=YSwI94xfNFE>

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**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

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<http://www.youtube.com/watch?v=iDYdlkpgStY>

<http://www.youtube.com/watch?v=IE5McEN4HKA&bpctr=1348538846>

<http://www.youtube.com/watch?v=A2aNEreHzi0>

<http://www.youtube.com/watch?v=YSwi94xfNFE>

<http://www.youtube.com/watch?v=KCD33j3kDkk>

<http://www.youtube.com/watch?v=J-8lcjUPpNI>

<http://www.youtube.com/watch?v=GKRHED2RuLO>

<http://www.youtube.com/watch?v=zvxJlVDA5s4>

<http://www.youtube.com/watch?v=LrlfRLh1OJM>

<http://www.youtube.com/watch?v=i7Smzt607oE>

<http://www.youtube.com/watch?v=lutCBSBPp0U&bpctr=1348539718>

<http://www.youtube.com/watch?v=ezflX0bU01I>

<http://www.youtube.com/watch?v=CHiLxHRK3Yk>

<http://www.youtube.com/watch?v=iFHMZGLp48&bpctr=1348539839>

<http://www.youtube.com/watch?v=i7Smzt607oE>

<http://www.youtube.com/watch?v=i7Smzt607oE>

<http://www.youtube.com/watch?v=Vh1G0nV4h-w>

Copyright Owner's Name: Cindy Lee Garcia

Authorized Agent: DMCA Solutions, LLC  
31 Hastings Street  
Mendon, MA 01756  
USA  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

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**DMCA Solutions**  
31 Hastings Street  
Mendon, MA 01756

Page 3

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:

A handwritten signature in black ink, appearing to read 'David Hardy', with a large, stylized flourish extending from the end of the signature.

David Hardy, President

ER112

**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Monday, September 24, 2012 10:09 PM  
**To:** debratucker@google.com; copyright@youtube.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request #4  
**Attachments:** YouTube-Google Takedown Request #4 (9-24-12).docx

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as "*The Innocence of the Muslims*" that have been posted on YouTube.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

September 24, 2012

**Sent by Email**

YouTube, LLC

Attn: Debra Tucker, Designated Agent

901 Cherry Avenue

San Bruno, CA

Email: [debratucker@google.com](mailto:debratucker@google.com)

Email: [copyright@youtube.com](mailto:copyright@youtube.com)

Re: YouTube DMCA Takedown Request: Copyright Infringement  
Video – *The Innocence of the Muslims* – Takedown Request #4

Dear Ms. Tucker:

DMCA Solutions, LLC, acting as agent on behalf of copyright holder Cindy Lee Garcia for the purposes of filing this Takedown Request, hereby submits the following:

**What is the issue:**

Copyright Infringement: Cindy Lee Garcia, an actress, has an original copyright that remains vested in her in her audio-visual dramatic performance in a film in which her performance has been altered and adulterated without her consent and posted on YouTube, infringing her copyright.

**Copyright Infringement: Who is Affected**

Cindy Lee Garcia, the copyright owner

**Identification of the Copyrighted Work Claimed to have been Infringed:**

Cindy Lee Garcia's audio-visual dramatic performance in a film originally titled *The Desert Warrior* but altered without her consent and posted on YouTube under the title *The Innocence of the Muslims*.

**Identification of the material that is claimed to be infringing**

Video posted on YouTube under the title *The Innocence of Muslims* but originally titled *The Desert Warrior*

**URLs of the Offending Video:**

<http://www.youtube.com/watch?v=1RagKWM8ldk>

[http://www.youtube.com/watch?v=1wkyqd9\\_NtY](http://www.youtube.com/watch?v=1wkyqd9_NtY)

<http://www.youtube.com/watch?v=2AJ2ElzJ11w>

**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

Page 2

<http://www.youtube.com/watch?v=2lC2wpYa7KE>  
[http://www.youtube.com/watch?v=2Tl9GbNk\\_gY](http://www.youtube.com/watch?v=2Tl9GbNk_gY)  
<http://www.youtube.com/watch?v=6KJq-rNjLk8>  
<http://www.youtube.com/watch?v=6ySE-yYeeIE>  
<http://www.youtube.com/watch?v=7EmQRlbQbJk>  
<http://www.youtube.com/watch?v=7qcFACwfil8>  
<http://www.youtube.com/watch?v=8jYrk--UFh0>  
<http://www.youtube.com/watch?v=A1ezRBS5Jhs>  
<http://www.youtube.com/watch?v=a5pABvYSbls>  
<http://www.youtube.com/watch?v=ADdj48gHKGQ>  
[http://www.youtube.com/watch?v=AQqay6\\_RiD0](http://www.youtube.com/watch?v=AQqay6_RiD0)  
<http://www.youtube.com/watch?v=Ar3iu0D81Lg>  
<http://www.youtube.com/watch?v=B-pGehBwKFY>  
<http://www.youtube.com/watch?v=BGYNJmlaEbk>  
<http://www.youtube.com/watch?v=bkpIXBnFT3c>  
<http://www.youtube.com/watch?v=BMhwVg4jmO8>  
<http://www.youtube.com/watch?v=BPQM2nfVyz0>  
<http://www.youtube.com/watch?v=bYaKOBkd4io>  
<http://www.youtube.com/watch?v=C7KeGAplkUs>  
<http://www.youtube.com/watch?v=dAaDPAnlvx0>  
<http://www.youtube.com/watch?v=DizesXXwUIU>  
<http://www.youtube.com/watch?v=dx3z4ly5Exs>  
<http://www.youtube.com/watch?v=EHby-g7KgC0>

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31 Hastings Street  
Mendon, MA 01756

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<http://www.youtube.com/watch?v=engQ9MX4Cyc>  
<http://www.youtube.com/watch?v=eqQ74At3Psc>  
<http://www.youtube.com/watch?v=fAMCA7JdQYk>  
<http://www.youtube.com/watch?v=fm3P9mEi3Xk>  
<http://www.youtube.com/watch?v=FsC7yHse-lQ>  
<http://www.youtube.com/watch?v=gORgR7UIXgY>  
<http://www.youtube.com/watch?v=h2MHczJvFNQ>  
<http://www.youtube.com/watch?v=HDeWj877yw>  
<http://www.youtube.com/watch?v=HkGOubHIT6I>  
<http://www.youtube.com/watch?v=HR0Vj-8dqTM>  
<http://www.youtube.com/watch?v=Hv4HwUQS-yY>  
<http://www.youtube.com/watch?v=IDK2yl6U48M>  
<http://www.youtube.com/watch?v=Jslgig3VkrE>  
<http://www.youtube.com/watch?v=K3lAgMuNj0A>  
<http://www.youtube.com/watch?v=kAQ5onF0Lc4>  
[http://www.youtube.com/watch?v=Lqx1\\_JVxfZE](http://www.youtube.com/watch?v=Lqx1_JVxfZE)  
<http://www.youtube.com/watch?v=IhBoPXEPUsQ>  
<http://www.youtube.com/watch?v=Ln3VAwuLxCE>  
<http://www.youtube.com/watch?v=mjpa3QazVy8>  
<http://www.youtube.com/watch?v=n8s6bYHELaw>  
<http://www.youtube.com/watch?v=NggEJ5PTPbw>  
<http://www.youtube.com/watch?v=NuOFer5WqYo>  
<http://www.youtube.com/watch?v=o3ey9m4ApdY>

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<http://www.youtube.com/watch?v=o7RQqavrd0E>  
<http://www.youtube.com/watch?v=O8Wc5PsXmPo>  
<http://www.youtube.com/watch?v=Ogzb6N0wE8>  
<http://www.youtube.com/watch?v=ov9bd23F1yA>  
<http://www.youtube.com/watch?v=q26i0VLrbQE>  
<http://www.youtube.com/watch?v=qf-44Q3SV0Y>  
<http://www.youtube.com/watch?v=Ql3sDuWPvos>  
<http://www.youtube.com/watch?v=QOcQvZ UNwU>  
<http://www.youtube.com/watch?v=rKOa87wgPp4>  
<http://www.youtube.com/watch?v=SIPLKwpV6NE>  
<http://www.youtube.com/watch?v=sXKyPPqrMi4>  
<http://www.youtube.com/watch?v=tHpacSiAl9U>  
<http://www.youtube.com/watch?v=tRa9L5OPS0M>  
<http://www.youtube.com/watch?v=tRBGBGDZj7o>  
<http://www.youtube.com/watch?v=tvV6p5iHDLM>  
<http://www.youtube.com/watch?v=UDd6bine9lo>  
<http://www.youtube.com/watch?v=v5TBXoKErus>  
<http://www.youtube.com/watch?v=Vh5LEJNE70c>  
<http://www.youtube.com/watch?v=vNZW4KCPURQ>  
<http://www.youtube.com/watch?v=vYnwZeZ8p8Y>  
<http://www.youtube.com/watch?v=W1MYyfCg2X4>  
<http://www.youtube.com/watch?v=WI8FoYpgINw>  
<http://www.youtube.com/watch?v=XKtTIPnZ8iU>

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**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

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<http://www.youtube.com/watch?v=xLxzIOPDMlo>

<http://www.youtube.com/watch?v=xYVfBNKbIRQ>

[http://www.youtube.com/watch?v=YFogvC4\\_zgY](http://www.youtube.com/watch?v=YFogvC4_zgY)

<http://www.youtube.com/watch?v=zx-j8lx6dQ>

<http://www.youtube.com/watch?v=WCCdyRzC2A>

<http://www.youtube.com/watch?v=yGsQ0fuaXA>

Copyright Owner's Name: Cindy Lee Garcia

Authorized Agent: DMCA Solutions, LLC  
31 Hastings Street  
Mendon, MA 01756  
USA  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:



David Hardy, President

ER118

**Cris Armenta**

---

**From:** david@dmcasolutions.com on behalf of David Hardy  
<David.Hardy@DMCASolutions.com>  
**Sent:** Tuesday, September 25, 2012 10:05 AM  
**To:** debratucker@google.com; copyright@youtube.com  
**Cc:** Cris Armenta  
**Subject:** DMCA Takedown Request #5  
**Attachments:** YouTube-Google Takedown Request #5 (9-25-12).docx

Dear Ms. Tucker:

Attached please find a Takedown Request prepared and sent to you pursuant to the Digital Millennium Copyright Act, relative to videos of the film identified as *"The Innocence of the Muslims"* that have been posted on YouTube.

Sincerely,

David E. Hardy, President  
DMCA Solutions, LLC  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

Page 2

<http://www.youtube.com/watch?v=9dqHl6gsoxU>  
<http://www.youtube.com/watch?v=NQ5UAralcWE>  
<http://www.youtube.com/watch?v=XxlaQKqiRLY>  
<http://www.youtube.com/watch?v=DdOUoGfHg-l>  
[http://www.youtube.com/watch?v=7Oixb\\_VkHAs](http://www.youtube.com/watch?v=7Oixb_VkHAs)  
<http://www.youtube.com/watch?v=ns0rQ- dZC0>  
<http://www.youtube.com/watch?v=TGB24g8K97w>  
<http://www.youtube.com/watch?v=YPVxQ3NDMPk>  
<http://www.youtube.com/watch?v=YBISPSxUS5E>  
<http://www.youtube.com/watch?v=Rdh8ayz0B-Y>  
<http://www.youtube.com/watch?v=eeO3MEj8s38>  
[http://www.youtube.com/watch?v=DmVg\\_i4-0wk](http://www.youtube.com/watch?v=DmVg_i4-0wk)  
<http://www.youtube.com/watch?v=oMR0cUJJTE8>  
<http://www.youtube.com/watch?v=YQ1w6HA3154>  
<http://www.youtube.com/watch?v=QnMQ8k-4VqY>  
<http://www.youtube.com/watch?v=G16J4zFn5VI>  
<http://www.youtube.com/watch?v=ETH0P746SJQ>  
<http://www.youtube.com/watch?v=sOolJyq03Wk>  
<http://www.youtube.com/watch?v=SB28D9KITkc>  
<http://www.youtube.com/watch?v=6Bn5SkIxb1A>  
<http://www.youtube.com/watch?v=T2wsrTi3i4o>  
<http://www.youtube.com/watch?v=TJyCUUfMCDI>  
[http://www.youtube.com/watch?v=Tt\\_nkMCCPpk](http://www.youtube.com/watch?v=Tt_nkMCCPpk)

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**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

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<http://www.youtube.com/watch?v=GKI8pna53hg>

<http://www.youtube.com/watch?v=AP3Yg5vJNK0>

<http://www.youtube.com/watch?v=pbe0PmyW6Ek>

<http://www.youtube.com/watch?v=1KMsSIBdpIQ>

<http://www.youtube.com/watch?v=vP2soXU7quM>

<http://www.youtube.com/watch?v=dXEM4EmB2sM>

<http://www.youtube.com/watch?v=1rvHcwXijb0>

[http://www.youtube.com/watch?v=G3p\\_R-RovR8](http://www.youtube.com/watch?v=G3p_R-RovR8)

<http://www.youtube.com/watch?v=Yvk9ghudS5w>

<http://www.youtube.com/watch?v=w9zatob4YxY>

[http://www.youtube.com/watch?v=s\\_AOeKOGql0](http://www.youtube.com/watch?v=s_AOeKOGql0)

<http://www.youtube.com/watch?v=VW-fXw1EKXc>

<http://www.youtube.com/watch?v=UEZhWm2oK9k>

<http://www.youtube.com/watch?v=hftuDpFP4Wl>

<http://www.youtube.com/watch?v=4midXCiFO-Q>

Copyright Owner's Name: Cindy Lee Garcia

Authorized Agent: DMCA Solutions, LLC  
31 Hastings Street  
Mendon, MA 01756  
USA  
(202) 350-0200  
[David.Hardy@DMCASolutions.com](mailto:David.Hardy@DMCASolutions.com)

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**DMCA Solutions**

31 Hastings Street  
Mendon, MA 01756

**Page 4**

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

**DMCA Solutions, LLC**

**By:**

A handwritten signature in black ink, appearing to read 'David Hardy', with a large, stylized flourish at the end.

**David Hardy, President**

ER122

1 M. Cris Armenta (SBN 177403)  
2 THE ARMENTA LAW FIRM APC  
3 11900 W. Olympic Boulevard, Suite 730  
4 Los Angeles, CA 90064  
5 Tel: (310) 826-2826 x 108  
6 Facsimile: (310) 826-5456  
7 Email: [cris@crisarmenta.com](mailto:cris@crisarmenta.com)

8 Credence E. Sol (SBN 219784)  
9 La Garenne  
10 86300 Chauvigny  
11 France  
12 Telephone: 06 74 90 22 08  
13 [credence.sol@sol-law.com](mailto:credence.sol@sol-law.com)

14 Attorneys for Plaintiff  
15 Cindy Lee Garcia

16 UNITED STATES DISTRICT COURT  
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 CINDY LEE GARCIA, an  
19 individual,

20 Plaintiff,

21 vs.

22 NAKOULA BASSELEY  
23 NAKOULA, an individual also  
24 known as SAM BACILE, MARK  
25 BASSELEY YOUSSEF,  
26 ABANOB BASSELEY  
27 NAKOULA, MATTHEW  
28 NEKOLA, AHMED HAMDY,  
AMAL NADA, DANIEL K.  
CARESMAN, KRITBAG  
DIFRAT, SOBHI BUSHRA,  
ROBERT BACILY, NICOLA  
BACILY, THOMAS J. TANAS,  
ERWIN SALAMEH, YOUSSEFF  
M. BASSELEY, and/or MALID  
AHLAWI; GOOGLE, INC., a  
Delaware Corporation;  
YOUTUBE, LLC, a California  
limited liability company, and  
DOES 1 through 10, inclusive.

Defendants.

Case No. CV12-8315-  
MWF(VBKx)

(1) PLAINTIFF'S *EX PARTE*  
APPLICATION TO  
EXCEED PAGE LIMITS  
SET FORTH IN LOCAL  
RULE 11-6;

(2) DECLARATION OF M.  
CRIS ARMENTA IN  
SUPPORT THEREOF;

(3) [PROPOSED] ORDER,  
LODGED SEPARATELY



1 Plaintiff Cindy Lee Garcia respectfully requests that this Court extend the  
2 page limitations set forth in Local Civil Rule 11-6 for the briefing on Plaintiff's Ex  
3 Parte Application for a Temporary Restraining Order, Order to Show Cause Re  
4 Issuance of a Preliminary Injunction and an Order of Impoundment ("Application").  
5 In support of this request, Plaintiff states that she has been unable to comply with  
6 the page limitations. Plaintiff respectfully requests ten (10) additional pages to  
7 adequately present the facts and complex legal issues necessary to consider  
8 Plaintiff's Application.

9 Wherefore, Plaintiff respectfully requests that:

- 10 1) Plaintiff be allowed up to thirty-five (35) pages for her Application;  
11 2) That any briefs submitted in connection with this Application be  
12 permitted to be up to thirty (35) pages.<sup>1</sup>

13  
14 Dated: October 11, 2012

THE ARMENTA LAW FIRM, A.P.C.

15  
16 By: 

17 M. Cris Armenta  
18 Attorneys for Plaintiff  
19 Cindy Lee Garcia  
20  
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26  
27 <sup>1</sup> Although counsel for Defendants YouTube and Google stated that he has no  
28 position on the issue of page limits, out of fairness and to avoid multiple requests on  
the same issue, Plaintiff hereby requests the same order on behalf of the defendants  
as well. (See Declaration of M. Cris Armenta, attached hereto.)

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 11900 Olympic Boulevard, Suite 730, Los Angeles, California 90064.

On October 11, 2012 I served the following document(s) described as:

**(1) PLAINTIFF'S *EX PARTE* APPLICATION TO EXCEED PAGE LIMITS SET FORTH IN LOCAL RULE 11-6;**

**DECLARATION OF M. CRIS ARMENTA IN SUPPORT THEREOF;**

**[PROPOSED] ORDER, LODGED SEPARATELY**

**(2) [PROPOSED] ORDER GRANTING PLAINTIFF'S *EX PARTE* MOTION TO EXCEED PAGE LIMIT UNDER LOCAL RULE 11-6**

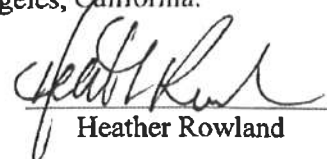
**(3) DECLARATION OF M. CRIS ARMENTA IN SUPPORT OF PLAINTIFF'S *EX PARTE* MOTION TO EXCEED PAGE LIMIT UNDER LOCAL RULE 11-6**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

**Timothy L. Alger  
Perkins Coie LLP  
3150 Porter Drive  
Palo Alto, CA 94304-1212**

***BY MAIL:*** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices. (C.C.P. § 1013 (a) and 1013a(3))

Executed on October 11, 2012 in Los Angeles, California.

  
Heather Rowland

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 11900 Olympic Boulevard, Suite 730, Los Angeles, California 90064.

On October 11, 2012 I served the following document(s) described as:

**(1) PLAINTIFF'S *EX PARTE* APPLICATION TO EXCEED PAGE LIMITS SET FORTH IN LOCAL RULE 11-6;**

**DECLARATION OF M. CRIS ARMENTA IN SUPPORT THEREOF;  
[PROPOSED] ORDER, LODGED SEPARATELY**

**(2) [PROPOSED] ORDER GRANTING PLAINTIFF'S *EX PARTE* MOTION TO EXCEED PAGE LIMIT UNDER LOCAL RULE 11-6**

**(3) DECLARATION OF M. CRIS ARMENTA IN SUPPORT OF PLAINTIFF'S *EX PARTE* MOTION TO EXCEED PAGE LIMIT UNDER LOCAL RULE 11-6**

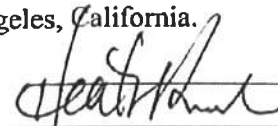
on the interested parties in this action by placing true copies thereof addressed as follows:

Timothy L. Alger  
Perkins Coie LLP  
3150 Porter Drive  
Palo Alto, CA 94304-1212  
[TAlger@perkinscoie.com](mailto:TAlger@perkinscoie.com)

☒ BY ELECTRONIC MAIL, pursuant to the consent of the above counsel

I declare under penalty of perjury under the law of the State of California that the above is true and correct and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on October 11, 2012 in Los Angeles, California.

  
\_\_\_\_\_  
Heather Rowland

1 M. Cris Armenta (SBN 177403)  
2 THE ARMENTA LAW FIRM APC  
3 11900 W. Olympic Boulevard, Suite 730  
4 Los Angeles, CA 90064  
5 Tel: (310) 826-2826 x 108  
6 Facsimile: (310) 826-5456  
7 Email: [cris@crisarmenta.com](mailto:cris@crisarmenta.com)

8 Credence E. Sol (SBN 219784)  
9 La Garenne  
10 86300 Chauvigny  
11 France  
12 Telephone: 06 74 90 22 08  
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14 Attorneys for Plaintiff  
15 Cindy Lee Garcia

16 UNITED STATES DISTRICT COURT  
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 CINDY LEE GARCIA, an  
19 individual,

20 Plaintiff,

21 vs.

22 NAKOULA BASSELEY  
23 NAKOULA, an individual also  
24 known as SAM BACILE, MARK  
25 BASSELEY YOUSSEF,  
26 ABANOB BASSELEY  
27 NAKOULA, MATTHEW  
28 NEKOLA, AHMED HAMDY,  
AMAL NADA, DANIEL K.  
CARESMAN, KRITBAG  
DIFRAT, SOBHI BUSHRA,  
ROBERT BACILY, NICOLA  
BACILY, THOMAS J. TANAS,  
ERWIN SALAMEH, YOUSSEFF  
M. BASSELEY, and/or MALID  
AHLAWI; GOOGLE, INC., a  
Delaware Corporation;  
YOUTUBE, LLC, a California  
limited liability company, and  
DOES 1 through 10, inclusive.

Defendants.

Case No. CV12-8315-MWF(VBKx)

**DECLARATION OF M. CRIS  
ARMENTA IN SUPPORT OF  
PLAINTIFF'S *EX PARTE*  
MOTION TO EXCEED PAGE  
LIMIT UNDER LOCAL RULE  
11-6**

M. CRIS ARMENTA'S DECLARATION IN SUPPORT OF  
PLAINTIFF'S *EX PARTE* MOTION TO EXCEED PAGE LIMIT  
CV 12 8315 (VBKx)

ER127

**DECLARATION OF M. CRIS ARMENTA**

I, M. Cris Armenta, declare:

1. I am an attorney admitted to practice before this Court and a member in good standing with the State Bar of California. I am the principal of The Armenta Law Firm APC, lead counsel for Plaintiff Cindy Lee Garcia. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently as follows:

2. Plaintiff intends to file an Ex Parte Application and an Order to Show Cause Re Issuance of Preliminary Injunction ("Application") requesting, among other things, an order that Defendants remove from YouTube a video trailer titled *The Innocence of Muslims*, on the grounds that the video trailer violates Plaintiff's copyright.

3. Beginning on September 25, 2012 and through the present, Plaintiff Garcia has complied with the procedures required by the Digital Millennium Copyright Act ("DMCA"), requesting that YouTube remove the infringing content. After YouTube and its statutorily-identified "takedown agent" received several "takedown notices," along with Plaintiffs' legal briefs setting forth Plaintiff's legal position, YouTube finally revealed on October 4, 2012, that it would not take down the content that Plaintiff believes infringes her copyright.

4. Immediately thereafter, Plaintiff's counsel scheduled a call to meet and confer with counsel for YouTube and Google. It was not until that conversation that opposing counsel finally revealed the basis for YouTube and Google's refusal to remove the video trailer; specifically, that they believe that those Defendants are protected by DMCA's "safe harbor" provision.

5. In Plaintiff's view, Defendants' responses to her takedown requests were conducted in a manner that waived their "safe harbor" protections. Accordingly, Plaintiff's legal team immediately began to prepare the above-



1 referenced Application. Plaintiff's legal team is spread over four time zones and  
2 two continents, and has been working around the clock to complete the brief and  
3 related papers. Despite their best efforts to streamline the pertinent facts and legal  
4 arguments, counsel cannot complete the brief within the 25 pages set forth in the  
5 Local Rules. Plaintiff's brief is a very condensed 35 pages. Plaintiff therefore  
6 requests an order of the Court to permit her to file a brief that does not exceed 35  
7 pages, exclusive of exhibits, physical evidence, a request for judicial notice, and  
8 sworn declarations.

9 6. The Court should be aware that YouTube and Google's counsel have  
10 taken the position that the Application is unnecessary, improper and untimely, and  
11 that Plaintiff – despite being under constant death threats and a fatwa (an Islamic  
12 pronouncement of death) issued on her – has no emergency. In addition, counsel for  
13 YouTube has advised that he will be unavailable from Friday, October 12, 2012,  
14 through Monday, October 15, 2012.

15 7. At 10:39 a.m., on October 11, 2012, I telephoned and spoke with Tim  
16 Alger, lead counsel for YouTube and Google. I informed him that prior to filing the  
17 Ex Parte Application, Plaintiff would today be filing an Ex Parte Application to  
18 exceed page limits on the brief. I explained to him that despite best efforts,  
19 Plaintiff's counsel has been unable to complete the brief in fewer than 35 pages. I  
20 asked him for his position. Mr. Alger told me that he had no comment and had no  
21 position on the page-limits issue. I told him I would so inform the Court. I also  
22 offered to ask the Court, on his behalf, for an order that – as a matter of fairness –  
23 any responsive brief could also be up to 35 pages. His response was, "I have no  
24 position on page limits. The whole thing is improper, the timing, everything." This  
25 is the sum and substance of Defendant YouTube and Google's disclosed position on  
26 page limits – in short, they are neither opposed nor in favor, but will clearly oppose  
27 the Application for which Plaintiff seeks a page extension.

1       8.       This Application is being served on counsel for YouTube and Google  
2 simultaneously with its filing. Since YouTube and Google have represented to me  
3 that they are taking "no position," I do not anticipate any responsive paperwork  
4 from those defendants. With respect to Defendant Nakoula a/k/a Youseff, that  
5 Defendant is currently detained at the United States Bureau of Prisons Metropolitan  
6 Detention Center, and attempts to serve him are underway; if those efforts to not  
7 succeed, then Plaintiff intends to seek an order under Federal Rule of Civil  
8 Procedure 4 that service be effected through the United States Marshall Service.

9       I declare under the penalty of perjury under the laws of the United States of  
10 America that the foregoing is true and correct.

11       Executed on this 11<sup>th</sup> day of October, 2012.

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15       M. Cris Armenta

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 11900 Olympic Boulevard, Suite 730, Los Angeles, California 90064.

On October 11, 2012 I served the following document(s) described as:

**(1) PLAINTIFF'S *EX PARTE* APPLICATION TO EXCEED PAGE LIMITS SET FORTH IN LOCAL RULE 11-6;**

**DECLARATION OF M. CRIS ARMENTA IN SUPPORT THEREOF;**

**[PROPOSED] ORDER, LODGED SEPARATELY**

**(2) [PROPOSED] ORDER GRANTING PLAINTIFF'S *EX PARTE* MOTION TO EXCEED PAGE LIMIT UNDER LOCAL RULE 11-6**

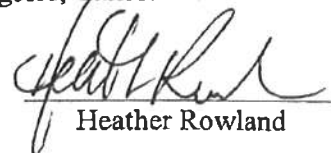
**(3) DECLARATION OF M. CRIS ARMENTA IN SUPPORT OF PLAINTIFF'S *EX PARTE* MOTION TO EXCEED PAGE LIMIT UNDER LOCAL RULE 11-6**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

**Timothy L. Alger  
Perkins Coie LLP  
3150 Porter Drive  
Palo Alto, CA 94304-1212**

☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices. (C.C.P. § 1013 (a) and 1013a(3))

Executed on October 11, 2012 in Los Angeles, California.

  
Heather Rowland



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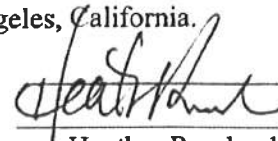
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Timothy L. Alger  
Perkins Coie LLP  
3150 Porter Drive  
Palo Alto, CA 94304-1212  
[TAlger@perkinscoie.com](mailto:TAlger@perkinscoie.com)

☒ BY ELECTRONIC MAIL, pursuant to the consent of the above counsel

I declare under penalty of perjury under the law of the State of California that the above is true and correct and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on October 11, 2012 in Los Angeles, California.

  
\_\_\_\_\_  
Heather Rowland

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14 Attorneys for Plaintiff  
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16 UNITED STATES DISTRICT COURT

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AHLAWI; GOOGLE, INC., a  
Delaware Corporation;  
YOUTUBE, LLC, a California  
limited liability company, and  
DOES 1 through 10, inclusive.

Defendants.

**DENIED**  
**BY ORDER OF THE COURT**

Case No. CV12-8315-MWF(VBKx)

**[PROPOSED] ORDER  
GRANTING PLAINTIFF'S EX  
PARTE MOTION TO EXCEED  
PAGE LIMIT UNDER LOCAL  
RULE 11-6**

[PROPOSED] ORDER GRANTING PLAINTIFF'S  
EX PARTE MOTION TO EXCEED PAGE LIMIT  
CV 12 8315 (VBKx)

ER133

1 Having considered Plaintiff's *Ex Parte* Motion to Extend Page Limits for her  
2 Ex Parte Application for a Temporary Restraining Order, Issuance of an Order to  
3 Show Cause Re Preliminary Injunction, and Order of Impoundment ("Application"),  
4 the Court being duly advised, and good cause shown:

5 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Extend Page Limits is  
6 **GRANTED.**

7 **IT IS ORDERED** that Plaintiff has thirty-five (35) pages for the Application  
8 and that all briefs in connection with that Application may be up to 35 pages in  
9 length.

10 **IT IS SO ORDERED.**

11 Dated: October 12, 2012

**DENIED**  
**BY ORDER OF THE COURT**

United States District Court Judge

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Defendants.

Case No. CV12-8315 MWF (VBKx)

(1) **EX PARTE APPLICATION FOR A  
TEMPORARY RESTRAINING  
ORDER AND AN ORDER TO  
SHOW CAUSE RE PRELIMINARY  
INJUNCTION, AND ORDER OF  
IMPOUNDMENT;**

(2) **DECLARATIONS OF CINDY  
LEE GARCIA, DAN SUTTER,  
GAYLORD FLYNN, KHALED  
ABOU EL FADL; ZACARAH  
LEVINE; DAVE HARDY, AND  
M. CRIS ARMENTA;**

(3) **REQUEST FOR JUDICIAL  
NOTICE;**

(4) **[PROPOSED] ORDER (lodged  
separately)**


1 PLEASE TAKE NOTICE that Plaintiff Cindy Lee Garcia brings this Ex  
2 Parte Application for a Temporary Restraining Order and an Order to Show Cause  
3 Re Issuance of Preliminary Injunction, and an Order of Impoundment. This  
4 Application is based on the papers and pleadings in this action, the matters of which  
5 this Court may take judicial notice, the declarations submitted in support.

6 This Application follows a conference pursuant to Local Rule 11-6 between  
7 counsel for Plaintiff and counsel for Defendants YouTube and Google. Although  
8 Plaintiff has communicated with Defendant Nakoula's criminal defense attorney and  
9 advised of this Application and its contents, that attorney does not formally  
10 represent Defendant Nakoula in this civil matter. Defendant Nakoula is currently  
11 detained at the Bureau of Prisons' Los Angeles Metropolitan Detention Center and  
12 these papers are being served, along with the Summons and First Amended  
13 Complaint, through the procedures set forth by the Bureau of Prisons in conjunction  
14 with the Los Angeles County Sheriffs Department.

15  
16 Dated: October 17, 2012

THE ARMENTA LAW FIRM, A.P.C.

17  
18 By:

  
M. Cris Armenta  
Attorneys for Cindy Lee Garcia



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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. STATEMENT OF THE ISSUES**

Plaintiff Cindy Lee Garcia gave a dramatic performance (the “Copyrighted Performance”) in a production Defendant Nakoula B. Nakoula misrepresented as a fictional “adventure” titled *Desert Warrior*. In post-production, Defendant Nakoula dubbed Plaintiff’s lines to give the false impression that she had agreed to play a role in which she accused historical religious figure Mohammed of being a child molester. Defendant Nakoula then published the Copyrighted Performance on YouTube a 13:51 minute “trailer” (“Film”) titled *Innocence of Muslims*. Plaintiff is now the subject of a *fatwa* and has received gruesome, credible death threats. Despite begging Defendant YouTube and its parent company, Defendant Google, to remove the Film on the grounds of copyright infringement, they refuse.

The principal issue presented by this Application is whether Defendants’ actual and contributory infringement of the Copyrighted Performance,<sup>1</sup> which any reasonable person would know would endanger her life, warrants the issuance of a temporary restraining order and an order to show cause why a preliminary injunction should not issue requiring the Defendants to cease and desist their infringing activities and unauthorized worldwide broadcasts of the Copyrighted Performance. A related issue is whether Ms. Garcia is entitled to an impounding order.

**II. PRELIMINARY STATEMENT**

In July of 2011, Plaintiff delivered the Copyrighted Performance for a film that Defendant Nakoula, the film’s producer, told her was an “adventure” titled

---

<sup>1</sup> Plaintiff has filed a federal copyright application, entitling her to bring suit. Plaintiff Garcia filed an application to register her work with the United States Copyright Office. (Garcia Decl. ¶ 18, Ex. C.) Plaintiff thus is entitled to bring suit. 17 U.S.C. § 411(a); see also *Cosmetic Ideas, Inc. v. IAC/Interactive Corp., et al*, 606 F.3d 612 (9<sup>th</sup> Cir. 2010) (application satisfies pre-suit registration requirement).

1 *Desert Warrior*. Plaintiff Garcia *never* assigned the rights to the Copyrighted  
2 Performance to *anyone*. Nor did Plaintiff Garcia sign a work-for-hire agreement.  
3 She was not an employee of anyone associated with *Desert Warrior*.

4 On July 2, 2012, Nakoula and/or his agents<sup>2</sup> posted the Film (*i.e.*, the  
5 doctored, dubbed version retitled *Innocence of Muslims*) to YouTube in English. In  
6 early September, Arabic versions were released around the world and in primarily  
7 Muslim countries, and went “viral” on September 11, 2012. Rather than portraying  
8 an innocuous historical adventure set in the desert – the video in which Defendant  
9 Nakoula told Plaintiff Garcia she was appearing – the Film was instead a crude,  
10 hateful work of propaganda. The Film portrays the Muslim religious figure  
11 Mohammed as a sexual deviant. Specifically, Defendant Nakoula and/or his agents  
12 dubbed over Plaintiff’s voice, suggesting she called Mohammed a “child molester.”

13 After YouTube broadcast the Arabic-language version of the Film, ferocious  
14 violence broke out around the world. The outrage has not been confined to Muslim  
15 societies; even U.S. Secretary of State Hillary Rodham Clinton has condemned the  
16 Film. Many believe the Film provoked the September 11, 2012, attack on the U.S.  
17 Consulate in Benghazi, Libya, in which four Americans, including Ambassador  
18 Christopher Stevens, were savagely murdered. Whether or not the Film provoked  
19 the violence in Benghazi, it is now universally acknowledged that the Film has  
20 provoked violence and unrest worldwide.

21 Following Defendants’ global dissemination of the Film, Plaintiff became the  
22 subject of a *fatwa* issued by an Egyptian cleric, which states in relevant part:

23 *I issue a fatwa and call on the Muslim youth in America and Europe*  
24 *to do this duty, which is to kill the director, the producer and the*  
*actors and everyone who helped and promoted the film.*

25  
26 <sup>2</sup> Defendant Nakoula posted the Film under the name Sam Bacile, one of his  
27 many aliases. At the time he posted the Film, Nakoula was restricted from using a  
28 computer or the Internet pursuant to the terms of his federal criminal probation  
following a fraud conviction, and was required to use his true name. (See RJN at ¶  
& Ex. B.)



1 (See Abou El Fadl Decl. ¶ 14.) Even though Plaintiff Garcia immediately spoke to  
2 condemn the Film's hateful message (reporters called her relentlessly and camped  
3 outside her home), she continues to receive death threats. (See Garcia Decl. Ex. B.)  
4 She changed her life substantially to protect herself and her family. What did  
5 Plaintiff do to deserve this? Nothing. In addition to taking drastic security  
6 measures, Plaintiff Garcia requested that YouTube and Google remove or disable  
7 the Film pursuant to the Digital Millennium Copyright Act ("DMCA"). Plaintiff  
8 has begged Defendants to assist her in her efforts to protect her safety by taking  
9 down the Film. They refuse.

10 Not once has Defendant Nakoula disputed that Plaintiff retained the rights to  
11 her Copyrighted Performance. Under the DMCA, Defendants Google and  
12 YouTube's decision to arrogate to themselves the right to adjudicate Plaintiff  
13 Garcia's copyright claim eviscerates their "safe harbor" protections for online  
14 service providers that act "expeditiously" to "remove" or "disable" content upon  
15 notice of a copyright claim, making them just as legally responsible as Defendant  
16 Nakoula for violating Plaintiff Garcia's copyright interests. The "safe harbor"  
17 provisions of the DMCA provide that Defendant YouTube must notify the poster  
18 that the content has been removed pursuant to a DMCA takedown notice and  
19 provide the poster the opportunity to contest the takedown in writing. If the poster  
20 does so, YouTube must then notify the complaining copyright holder of that fact. If  
21 the copyright owner does not bring a lawsuit in district court within 14 days,  
22 YouTube then must restore the material.

23 Rather than comply with the DMCA and protect their own economic, legal,  
24 and moral interests, Defendants Google and YouTube instead refused Plaintiff's  
25 takedown requests based on an incorrect assumption that Plaintiff has no copyright  
26 interest. On October 5, 2012, Google and YouTube's lawyers finally revealed their  
27 legal reasoning -- according to them, Plaintiff had a meeting of the minds with  
28

1 Defendant Nakoula, at the time she agreed to act in *Desert Warrior* that the finished  
 2 project would be a “joint work.” Defendants are wrong. As early as September 12,  
 3 2012, and in any event no later than September 20, 2012, when they were served  
 4 with a lawsuit in California state court, Defendants have been aware that *Defendant*  
 5 *Nakoula himself has admitted that he tricked Plaintiff into appearing in his hate*  
 6 *film.*<sup>3</sup> Thus, Plaintiff and Defendant Nakoula never shared any joint intent to create  
 7 *Innocence of Muslims* as a joint work; Plaintiff’s Copyrighted Performance thus  
 8 remains her own. The touchstone for establishment of a joint work is a mutual  
 9 intent that both creators share in the *completed* work or its derivatives. Because  
 10 Defendant Nakoula always harbored a secret intent to treat the work as though he  
 11 was the sole owner, and to exploit the work in a manner contrary to any and all of  
 12 Plaintiff’s intentions, much less any intentions that the two shared (which, it turns  
 13 out, were none), there exists no “joint work,” and Plaintiff retains the rights to her  
 14 Copyrighted Performance. Plaintiff thus is entitled to sue Defendants for copyright  
 15 infringement under the United States Copyright Act.

16 Moreover, irrespective of whether Defendant Nakoula has a joint copyright  
 17 with Plaintiff Garcia, there are hundreds of third parties who have copied and  
 18 reposted the Film on YouTube, *who have no color of a legal right* to copy and re-  
 19 post the Film, and who clearly are infringing on Plaintiff Garcia’s copyright.  
 20 Defendant Nakoula’s posting of the Film on YouTube is only one of the hundreds of  
 21 infringing webpages (URLs) illegally displaying the Film on YouTube (and  
 22

---

23 <sup>3</sup> In a telling and shameful attempt to “blame the victim,” YouTube and Google  
 24 have taken the position that the death threats and global fatwa against Plaintiff are  
 25 *her* fault. (Armenta Decl. ¶ 3.) They are wrong. It was *the media*, not Plaintiff, that  
 26 originally revealed Ms. Garcia’s identity to the public, and the reason that Ms.  
 27 Garcia spoke publicly was to clear her name. Indeed, Ms. Garcia strongly believes  
 28 that it is her strong public stand against the Film’s message of hatred that is keeping  
 her alive at this point, along with the outpouring of support she has received from  
 moderates in the Muslim community who have lauded not only her efforts to  
 remove the Film, but her courage as well. (Abou El Fadl Decl. ¶ 23; Garcia Decl. ¶  
 14.)

1 representing tens of millions of views) that Plaintiff Garcia has identified in her  
2 eight compliant DMCA takedown notices to Defendants YouTube and Google,  
3 which Defendants YouTube and Google have refused to remove or disable, and  
4 which continue to be viewed, recopied, and reposted widely.

5 **III. STATEMENT OF FACTS IN SUPPORT OF THE APPLICATION**

6 **A. Plaintiff Agreed to Provide a Dramatic Performance, But Did Not**  
7 **Agree to Relinquish Her Copyright In That Performance.**

8 Plaintiff is an ordained Christian minister. (Declaration of Cindy Lee Garcia  
9 (“Garcia Decl.”) ¶ 3.) She began acting to supplement her income after her  
10 husband became disabled. (*Id.* ¶ 3.) As a minister, Ms. Garcia preaches tolerance  
11 and respect for all religions. (*Id.* ¶ 4.) The depiction of Plaintiff Garcia as a person  
12 who would participate in a hateful production that blasphemes any religion is  
13 profoundly devastating to her. (*Id.* ¶ 4.)

14 In July of 2011, Plaintiff responded to a casting notice for a film with a  
15 working title of *Desert Warrior*. (Garcia Decl. ¶ 5.) Plaintiff was cast in a  
16 supporting role, in which, according to the film’s producer, Defendant Nakoula, she  
17 was to play the mother of a young woman who had been promised in marriage to the  
18 movie’s protagonist, “Master George.” (*Id.*) After Plaintiff was cast, Defendant  
19 Nakoula gave her “call sheets” that indicated the days she was to be on set, and  
20 outlined the scenes that would be filmed. (*Id.* ¶ 6.) Additionally, Defendant  
21 Nakoula and/or his agents provided Plaintiff with “script sheets” for those scenes in  
22 which her character was to appear. (*Id.*) None of those sheets contained content or  
23 language that Plaintiff perceived to be religiously offensive. (*Id.*) Moreover, none  
24 of the script sheets referred to a character named “Mohammed.” (*Id.*)

25 Plaintiff never signed a release of any kind to her rights to her dramatic  
26 performance, nor a work-for-hire agreement. (Garcia Decl. ¶ 8.) Additionally, she  
27 was never an employee of Nakoula or any production company associated with  
28

1 *Desert Warrior*, nor was she an agent of Nakoula or anyone else. (Garcia Decl. ¶ 5.)  
 2 Plaintiff's position in this regard is entirely consistent with the recollections of other  
 3 actors who appeared in the production: none of them apparently signed releases, nor  
 4 did they sign work-for-hire agreements. (Declaration of Dan Sutter ¶ 4; Declaration  
 5 of Gaylord Flynn ¶ 1 Declaration ¶ 4.)

6 Both prior to accepting the role and while on set, Plaintiff specifically asked  
 7 Defendant Nakoula (who was using the alias "Sam Bacile") about the film's  
 8 content. (Garcia Decl. ¶ 10.) Defendant Nakoula consistently responded that the  
 9 film was titled *Desert Warrior*, and that it was an "adventure" story set in the  
 10 Arabian Desert 2,000 years ago. (*Id.*) Significantly, *at no time during her presence*  
 11 *on the set did Plaintiff hear any mention of Islam.* (*Id.*)

12 It is apparent now that Defendant Nakoula planned all along, contrary to his  
 13 stated intention to Plaintiff Garcia, never to create a film called *Desert Warrior*.  
 14 Instead, as he later admitted to Plaintiff Garcia, his true intention from the beginning  
 15 was to use her (copyrighted) performance to create a hate film. (Garcia Decl. ¶ 13.)

16 **B. Nakoula Used Plaintiff As a "Puppet" For His Racist Views, and**  
 17 **YouTube Published a Doctored Version of Her Performance.**

18 In March of 2012, Defendant Nakoula requested that Plaintiff participate in a  
 19 post-production session. (Garcia Decl. ¶ 11.) Plaintiff only restated lines she had  
 20 stated previously. (*Id.*) Sometime after July 2, 2012, Plaintiff telephoned Nakoula  
 21 to ask whether the film was ready to be screened. (*Id.* ¶ 12.) Defendant Nakoula  
 22 then revealed that he had posted a trailer on YouTube. (*Id.* ¶ 12.)

23 When Plaintiff accessed the trailer (*i.e.*, the "Film") on YouTube she made  
 24 the horrifying discovery that Defendant Nakoula had dubbed bigoted dialogue over  
 25 her lines, and used her Copyrighted Performance in a manner that was *entirely*  
 26 inconsistent with the production in which Defendant Nakoula had told Ms. Garcia  
 27 she was participating. (Garcia Decl. ¶ 12.) Defendant Nakoula literally turned her  
 28



1 into a walking, talking “puppet” for his opinion that Islam founder Mohammed was  
2 a “child molester.” (*Id.* ) That was also when Plaintiff learned that the Film had  
3 been retitled to *Innocence of Muslims*. (*Id.*)

4 The words Plaintiff Garcia actually delivered for “Desert Warrior” were:

5 ***“Is George crazy? Our daughter is but a child?”***

6 (Garcia Decl. ¶ 12.) In *Innocence of Muslims*, Defendant Nakoula retained her  
7 visual performance but dubbed in the words:

8 ***“Is your Mohammed a child molester?”***

9 (*See* Garcia Decl. ¶ 12, and Ex. B to Declaration of Dave Hardy (“Hardy Decl.”)  
10 (YouTube video, *The Innocence of Muslims*, posted by “Sam Bacile”).) Plaintiff  
11 Garcia has never uttered those words *ever*, let alone on the set of *Desert Warrior*.  
12 (Garcia Decl. ¶ 12.)

13 **C. After Defendants Published an Arabic Version of the Film, It**  
14 **Went Viral and Provoked a Wave of Global Violence and a *Fatwa***  
15 **on Plaintiff’s Head, to which Defendants Are Completely**  
16 **Indifferent.**

17 On September 11, 2012, the U.S. Consulate in Benghazi, Libya, was  
18 attacked, resulting in the deaths of four Americans, including Ambassador  
19 Christopher Stevens. (Abou El Fadl Decl. ¶ 10.) Violence has continued to erupt  
20 across the world. (*Id.* ¶ 11.) Many experts in geopolitical affairs have attributed  
21 this violence directly to the Film. (*Id.* Decl. ¶ 9-15.) News reports indicate that  
22 many people worldwide have died in the violence that the film has sparked. (*Id.*  
23 Ex. D.) Whether the Film is or is not the cause of the violence, the violence in fact  
24 occurred, with many at the time attributing it to the anti-Muslim sentiment in the  
25 Film. (*Id.* ¶ 15.)

On September 19, 2012, Egyptian cleric Ahmad Fouad Ashoush issued a “fatwa”<sup>4</sup> directed at Plaintiff and every other person involved in the production of *Desert Warrior/The Innocence of Muslims*:

*I issue a fatwa and call on the Muslim youth in America and Europe to do this duty, which is to kill the director, the producer and the actors and everyone who helped and promoted the film.*

(Abou El Fadl ¶ 14.)

Google Chairman Eric Schmidt’s response to the fatwa astounds. He said: “We believe the answer to bad speech is more speech ... It’ll stay up.” (Armenta Decl. ¶ 9 & Ex. C.) Plaintiff, however, has no desire to become a martyr for Nakoula and Schmidt’s “cause” of attacking Islam while pretending that YouTube and Google are neutral defenders of free speech. Nor has she any interest in helping Defendants to profit from the 30 million-plus “views,” and associated ad revenues, from exhibiting the Film.<sup>5</sup>

**D. Defendant Nakoula Admitted That He Procured Plaintiff’s Dramatic Performance Through Fraud and Deception.**

Immediately after seeing the news about the attacks in Libya and realizing that the grotesque manipulation of her performance was related to the violence around the world, Plaintiff Garcia asked Nakoula why he “did this?” (Garcia Decl. ¶ 13.) He replied, “You are not responsible. Tell the world that you are innocent. I did this... I did it because I am tired of the radical Muslims killing innocent people.” (*Id.* ¶ 10.) In essence, Defendant Nakoula admitted that it was *always* his secret

<sup>4</sup> Under Islamic law, a *fatwa* is a unbinding opinion, which may have significant importance to the followers of that particular Iman. Of greater concern, however, are the undisclosed, secret intentions of others. (Abou El Fadl Decl. ¶ 17).

<sup>5</sup> As proof that YouTube relies on “views” to generate revenue and enhance its business model, behold the words of YouTube co-founder Chad Hurley: “[W]e need views [but] I’m a little concerned with the recent Supreme Court ruling on copyrighted material ... we’re hosting copyrighted content,” which statements he made prior to Google’s \$1.8 billion purchase of YouTube. (Armenta Decl. ¶ 10 & Ex. C.)

1 intention to manipulate the footage so that Plaintiff would appear to have  
 2 participated in creating a hate film. (*Id.*) In that conversation, Defendant Nakoula,  
 3 and by telling Plaintiff she was “innocent” and “not responsible,” – he basically  
 4 affirmed that the work was not a joint one. (*See* Garcia ¶ 13.)

5 **E. In Addition to Becoming the Target of a *Fatwa*, Ms. Garcia Has**  
 6 **Received Numerous Death Threats.**

7 Immediately after the Film “went viral” on YouTube, Plaintiff began to  
 8 receive calls from the media, all of whom apparently were already somehow aware  
 9 that she had appeared in the Film. (Garcia Decl. ¶ 14.) Media camped outside her  
 10 home. (*Id.* ¶ 14.) Plaintiff Garcia learned about the *fatwa* and began to receive  
 11 credible and gruesome threats. (*Id.* ¶ 14.) In order to clear her name, ensure that the  
 12 world was aware that she was duped into performing in the Film, and that she never  
 13 uttered the words attributed to her, she spoke out publicly that she does not condone  
 14 the Film, its content and its message, and that her performance was grotesquely  
 15 mutilated. (*Id.* ¶ 14.) Hoping that the justice system would show more concern for  
 16 her continued survival than had the Defendants, Plaintiff took legal action in state  
 17 court to attempt to have the Film removed from YouTube. (*Id.* ¶¶ 14, 15.)

18 While in Los Angeles Superior Court on September 20, 2012, for a hearing on  
 19 her state-law claims against Defendants,<sup>6</sup> Plaintiff and her counsel were directed by  
 20 law enforcement to park in a secure location; seven armed Los Angeles County  
 21 Deputy Sheriffs accompanied them in the courthouse. (*Id.* ¶ 15; Armenta Decl. ¶ 2.)  
 22 Her attorney was approached by the head of security for the Los Angeles Superior  
 23 Court, who expressed concern for Plaintiff, Ms. Armenta, and both of their families;  
 24 he advised that those threatening Plaintiff “are very patient,” and that everybody  
 25 connected with this case was in danger. (*Id.*; Garcia Decl. ¶ 15.) Both were advised

26  
 27 <sup>6</sup> After recognizing that her federal copyright interests preempted some of her  
 28 state law claims and that, therefore, this Court holds exclusive jurisdiction, Plaintiff  
 dismissed her state law action without prejudice.

1 to take serious security measures entering and exiting the L.A. Superior Court at any  
 2 time in the future, and with their families and homes. (Garcia Decl. ¶ 15; Armenta  
 3 Decl. ¶ 2.)

4 While in New York during the last week of September 2012, Plaintiff and  
 5 counsel were accompanied by retired police officers and other security officers.  
 6 (Garcia Decl. ¶ 16.) When they departed New York, the Port Authority Police  
 7 would not permit Plaintiff to even enter the La Guardia International Airport  
 8 terminal; Plaintiff was taken directly to her airplane on the tarmac in a squad car, for  
 9 fear that she would become an “instant target” in the terminal. (*Id.*)<sup>7</sup> Plaintiff moved  
 10 her home, and also moved the location of her church. (*Id.* ¶ 17.) The numerous  
 11 death threats have been reported to the authorities. (*Id.*) They include, but are not  
 12 limited to, the following:

13 “I am ready to die for MUHAMMAD (PBUH) and I would Like to  
 14 Kill all Those Who contributed in the Shape of Acting or Financially  
 or any other Kind of Support in Shameless Movie.”

15 “And If You Wanna to save your life and we consider your innocent  
 16 then Just Kill Sam and Terry Jones.”

17 “Dear the end is near.”

18 “It’s all a big joke. She will be Killed by someone who loves and  
 19 cares our Prophet Muhammad peace be upon him”

20 “She will know what she did now she is saying sorry about that”

21 (*Id.* ¶ 17 & Ex. B.)(Grammatical errors in original.) She also received a gruesome  
 22 set of threats related to raping her daughter. (*Id.*) According to noted international  
 23 expert and UCLA Professor Abou El Fadl, it is the threats that are not made that are  
 24 the most dangerous. (Abou El Fadl ¶ 17.) Plaintiff’s life changed forever in  
 25 material ways by the continued posting of the Film. (*Id.* ¶ 16.) It is only her public  
 26 efforts to clear her name that may be keeping her alive and her efforts to remove or

27 <sup>7</sup> This type of heightened security is similar to that to which Salman Rushdie  
 28 was subjected for approximately ten years following the *fatwa* that was issued  
 against him after he published *The Satanic Verses*. (Abou El Fadl Decl. ¶ 16.)



1 disable the Film will certainly help to convince others that she is not a willing  
 2 puppet of a global conspiracy to harm Muslims. (*Id.* ¶ 21.)

3 **F. Plaintiff Has Begged YouTube and Google to Save Her Life and**  
 4 **Take Down the Film, But They Prefer to Continue to Profit From**  
 5 **the Millions of Pageviews That the Film Attracts.**

6 In accordance with YouTube's terms of service, Plaintiff issued the first of  
 7 many DMCA takedown notices on September 24, 2012, through her takedown  
 8 agent, DMCA Solutions. (Declaration of David Hardy ("Hardy Decl.") ¶ 5.)  
 9 Plaintiff and DMCA Solutions have issued eight takedown notices. In the  
 10 experience of DMCA Solutions, YouTube typically responds to an initial takedown  
 11 notice in a manner intended to protect itself from liability for contributory copyright  
 12 infringement pursuant to the "safe harbor" provisions of the DMCA. (*Id.* ¶ 4.)  
 13 First, YouTube typically sends a notice advising that the notice has been received  
 14 ("Acknowledgement of Takedown Notice"). Next, YouTube typically quickly  
 15 removes or disables the allegedly infringing content pending the original poster's  
 16 provision of proof that he or she has the right to post it. (*Id.*)

17 YouTube itself, through the Associate General Counsel of Google, Inc.  
 18 (YouTube's parent company) Zavanah Levine agrees that YouTube's DMCA  
 19 procedures are consistent with the observations of DMCA Solutions:

20 **Once YouTube receives a notification of alleged infringement that**  
 21 **substantially complies with the DMCA requirements, we act**  
 22 **promptly to remove the identified material from our service or**  
 23 **disable access to it. Throughout my tenure at the company, we**  
 24 **have removed almost all of the videos identified in DMCA notices**  
 25 **within 24 hours; indeed for the vast majority of DMCA notices**  
 26 **(about 85%), we remove the identified videos within a few**  
 27 **minutes using automated tools.**

28 (Declaration of Zavanah Levine ¶ 19.)

This time, contrary to the policy and protocols sworn to by Ms. Levine, and  
 the practices long observed by DMCA Solutions, YouTube did *not* remove or  
 disable the content within 24 hours. Instead, it sent multiple, identical form letters  
 denying Ms. Garcia's requests. (Hardy Decl. ¶ 7 & Ex. C ("YouTube's First

1 Substantive Inquiry”).) In response to YouTube’s First Inquiry Response, Plaintiff’s  
 2 agent sent a detailed response explaining her copyright interests, setting forth the  
 3 relevant law. (*Id.* ¶ 8 & Ex. D (“Garcia’s First Substantive Response”).) Garcia’s  
 4 First Substantive Response was sent on September 26, 2012. (*Id.*) By October 2,  
 5 2012, YouTube still had neither responded nor disabled the content. (*Id.* ¶ 9.)  
 6 YouTube has breathed life into a work of fiction that is causing violence and death  
 7 the world over.

8 On October 2, 2012, counsel for Plaintiff Garcia spoke directly with counsel  
 9 for Defendants Google and YouTube.<sup>8</sup> (Armenta Decl. ¶ 4.) She was told that the  
 10 Film was still up, that a decision was made “at the highest levels” to keep the Film  
 11 up, and that *YouTube was not obligated to respond to Garcia’s First Substantive*  
 12 *Response*—even though it was YouTube that had demanded “further information ...  
 13 [in] as much detail as possible!” (*Id.*)

14 Within two hours of that conversation, Plaintiff received another inquiry from  
 15 YouTube, requesting even more information. (Hardy Decl. ¶ 9 (“YouTube’s  
 16 Second Inquiry”).) Plaintiff’s takedown agent then issued Garcia’s Second  
 17 Substantive Response, citing additional relevant case law and provisions of the  
 18 United States Copyright Act. (Hardy Decl. ¶ 10 & Ex. E.) Finally on October 4,  
 19 2012, YouTube set forth its final position – consistent with Chairman Schmidt’s  
 20 public remarks -- that the content will not be removed. (Hardy Decl. ¶ 11  
 21 (“YouTube’s Final Response”).)

22 **G. YouTube and Google Have Specific Knowledge of the**  
 23 **Infringing Material and Are in Receipt of Direct Financial**  
 24 **Benefits Attributed to the Rampant Infringement.**

25 YouTube is on specific notice of the URLs that contain the infringing content.  
 26 YouTube claims to have received more than 30 million “views” of the Film in the

27 <sup>8</sup> Counsel for Plaintiff Garcia has copied counsel for Defendants Google and  
 28 YouTube on all transmissions between their respective takedown agents. (Armenta  
 Decl. ¶ 7,)

English language alone. (See generally Hardy Decl. & Exs.) It is incontrovertible that the Film is a “draw” for consumers—whose viewings provide YouTube with profit from ad revenues—to visit YouTube. YouTube and Google have the ability to block access to the Film—in fact, they have already made the editorial judgment to do so in Saudi Arabia, Libya, Indonesia, and Egypt, and may have done so in other countries. (Armenta Decl. ¶ 9 & Ex. C.)

**H. The Only “Defense” that Defendants Have Offered So Far is Their Deliberately Incorrect Assumption That Plaintiff Garcia’s Copyrighted Performance is a “Joint Work.”**

In connection with Plaintiff Garcia’s obligations to meet and confer with opposing parties prior to bringing a motion, counsel for the parties met on Thursday, October 4, 2012. (Armenta Decl. ¶ 6.) Defense counsel finally revealed why YouTube refuses to take down the Film, claiming the work was a “joint work” and therefore Plaintiff and Nakoula may not sue each other. (*Id.*) As set forth below, this position is not supported by Plaintiff’s *declaration* nor Defendant Nakoula’s *admissions*.<sup>9</sup> Nobody from Google or YouTube has ever asked either Plaintiff or Nakoula whether they intended to create a joint work. Neither the *Desert Warrior* footage nor the *Innocence of Muslims* trailer are joint works because the parties had *completely different intentions* at the inception of the work. This Ex Parte Application follows upon YouTube’s apparently final decision, related on October 4, 2012,<sup>10</sup> to keep the Film up on its site, losing its DMCA safe harbor.

<sup>9</sup> On the afternoon of Monday, October 15, 2012, Nakoula’s criminal defense attorney advised that Nakoula does not own the rights to the film. (See Armenta Decl.) Therefore, the work cannot be “joint” between Nakoula and Garcia under any legal analysis. Nakoula’s lawyer’s statement is a party admission. Fed. R. Evid. 801(d)(2).

<sup>10</sup> YouTube will likely claim the delay between the posting of the film and/or death threats and this Application undercuts emergency relief. But, Plaintiff was *obliged* to work through the DMCA takedown process before initiating this Application. YouTube did not issue its denial until October 3, 2012. (Hardy Decl. ¶ 11.)

1 **IV. STANDARD FOR RESTRAINING ORDER AND ORDER TO SHOW**  
 2 **CAUSE RE PRELIMINARY INJUNCTION IN COPYRIGHT CASES**

3 The standard for issuing a temporary restraining order is essentially the same  
 4 as that for issuing a preliminary injunction. To be entitled to injunctive relief,  
 5 Plaintiff must demonstrate: (1) that she is likely to succeed on the merits; (2) that  
 6 she is likely to suffer irreparable harm in the absence of preliminary relief; (3) that  
 7 the balance of equities tips in his favor; and (4) that an injunction is in the public  
 8 interest. Winter v. Natural Res. Def. Council, Inc., 129 S.Ct. 365, 374, 376 (2008);  
 9 National Meat Ass'n v. Brown, 599 F.3d 1093, 1097 (9th Cir. 2010); see also  
 10 Beardslee v. Woodford, 395 F.3d 1064, 1067 (9th Cir. 2005).

11 The Copyright Act provides that a court “may... grant temporary and final  
 12 injunctions on such terms as it may deem reasonable to prevent or restrain  
 13 infringement of a copyright.” 17 U.S.C. § 502(a). A plaintiff “must establish that  
 14 he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the  
 15 absence of preliminary relief, that the balance of equities tips in his favor, and that  
 16 an injunction is in the public interest.” Marlyn Nutraceuticals, Inc. v. Mucos  
 17 Pharma GmbH & Co., 571 F.3d 873, 877 (9th Cir. 2009) (quoting Winter, 555 U.S.  
 18 7, 129 S.Ct. 365, 374, 172 L.Ed.2d 249 (2008)); see, e.g., Sierra Forest Legacy v.  
 19 Rey, 577 F.3d 1015, 1021 (9th Cir. 2009).

20 **V. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS**

21 **A. Plaintiff Clearly Owns the Rights to Her Dramatic Performance.**

22 Once Plaintiff Garcia’s performance was put in film, it became a “dramatic  
 23 work” “fixed in [a] tangible medium of expression” that could be “perceived,  
 24 reproduced, or otherwise communicated” through “the aid of a machine or device.”  
 25 17 U.S.C. § 102(a); see Fleet v. CBS, Inc., 50 Cal. App. 4<sup>th</sup> 1911, 1919-1920 (1996)  
 26 (once actor’s performance was fixed in film, it “came within the subject matter of  
 27 copyright law protection”). Her individual performance in the film *Desert Warrior*  
 28 is copyrightable. See id. (actors’ individual performances in film are copyrightable).



1 Defendants may argue that an actor's copyright automatically reverts to the  
 2 filmmaker. Not true. First, if that were the law, filmmakers would not engage in the  
 3 universal practice of requiring their actors to release their copyrights as a condition  
 4 of appearing in films, which did not occur in this case Second, Laws v. Sony Music  
 5 Entm't, Inc., 448 F.3d 1134, 1137 (9<sup>th</sup> Cir. 2006), and Jules Jordan Video v. 144942  
 6 Canada, 617 F.3d 1146 (9<sup>th</sup> Cir. 2010), confirms that in the Ninth Circuit, a  
 7 performer retains the rights in her performance unless she transfers or assigns them:  
 8 (1) by virtue of her status as an *employee* of the filmmaker; (2) by a *written*  
 9 assignment of the copyright; or (3) by executing a *written* work-for-hire agreement.  
 10 In fact, it is clear that the law, not only of the Ninth Circuit, but also as understood  
 11 by the United States Patent and Trademark Office and the Copyright Office, *is and*  
 12 *always has been* that the copyright interest in an actor's performance resides with  
 13 that actor until and unless it is assigned. (See RJN at 3.) The United States publicly  
 14 affirmed this position in connection with the signing of the WIPO Audiovisual  
 15 Dramatic Performance Treaty ("AVP Treaty") signed in Beijing, China in July of  
 16 2012. (See RJN at 4.) The United States was instrumental in encouraging other  
 17 countries to sign the AVP Treaty in order to bring other countries into compliance  
 18 with the long-standing acknowledgement in the United States that actors, just like  
 19 musicians, own the rights to their performances unless assigned, unless they are  
 20 employees, or unless they execute a written instrument indicating their work is a  
 21 work-for-hire. The formal statement issued by the United States Copyright Office,  
 22 in connection with the AVP Treaty, states:

23 Under U.S. law, actors and musicians are considered to be "authors"  
 24 of their performances providing them with copyright rights.

25 Just as the rights established in the U.S. law already provide the  
 26 protection for musical performers mandated by the WPPT, U.S. law is  
 already generally compatible with the AVP provisions ("points of  
 attachment" for parties to this treaty under U.S. law).

27 (See RJN at 4.)

1 Because U.S. law firmly establishes that actors own the copyrights in their  
 2 performances unless assigned or otherwise relinquished, Plaintiff Garcia retains the  
 3 copyright to her performance. See, e.g., TMTV Corp. v Pegasus Broad. of San  
 4 Juan, 490 F Supp. 2d 228 (D.C. Puerto Rico 2007) (actors' portrayals of characters  
 5 rendered them "authors").

6 **B. Plaintiff Never Assigned Her Copyright Interests.**

7 Plaintiff is aware of no authority requiring *her* to bear the burden to show that  
 8 she did *not* transfer her rights. Imposing such a burden on Plaintiff would be  
 9 entirely inconsistent with the Copyright Act's well established requirement that a  
 10 copyright assignment be made in writing. See 17 U.S.C. § 204(a) (exclusive  
 11 copyright assignment must be in writing; 17 U.S.C. § 201(b) (writing required for  
 12 work-for-hire). It is undisputed that Ms. Garcia executed no such writing  
 13 transferring or assigning her rights. (Garcia Decl. ¶¶ 7-9.) However, because  
 14 counsel for YouTube have expressed difficulty in believing that Defendant Nakoula,  
 15 *a convicted fraudster*, neglected to obtain a legal release, Plaintiff addresses this  
 16 point in an abundance of caution. (See Armenta Decl. ¶ 5.)

17 In some cases, an actor or musician relinquishes his or her copyright interests  
 18 to a studio or filmmaker *in writing* and loses the right to assert a copyright claim in a  
 19 performance. See, e.g., Brown v. Twentieth Century Fox Film Corp., 799 F. Supp.  
 20 166 (D.D.C. 1992) (James Brown transferred rights to song "*Please, Please,*  
 21 *Please*," and could not object to use of a musical clip captured on film); Rooney v.  
 22 Columbia Pictures, Inc., 538 F. Supp. 211 (S.D.N.Y. 1982) (actor Mickey Rooney  
 23 signed contracts broad enough to transfer rights in his performances); Muller v.  
 24 Walt Disney Productions, 871 F. Supp. 678 (S.D.N.Y. 1994) (conductor made  
 25 writing in which he gave up rights to his performance). That did not happen here.

26 Plaintiff's recollection is coincides with that of other actors, who also did not  
 27 sign releases. (See Declarations of Does #1-#3.) Moreover, the Ninth Circuit has  
 28

1 resoundingly rejected the argument that moviemakers enjoy some special status  
 2 under the Copyright Act allowing them to avoid the writing requirement. Effects  
 3 Associates, Inc. v. Cohen, et al., 908 F.2d 555 (9<sup>th</sup> Cir. 1990), is instructive. In that  
 4 case, the plaintiff created special effects for use in a film, and then brought a  
 5 copyright infringement action against the producer. As in this case, the parties had  
 6 *no written agreement* regarding transfer of the plaintiff's copyright to the producer.  
 7 The Ninth Circuit held that, as a matter of law, the plaintiff's rights had not  
 8 transferred: "Absent an express transfer of ownership, a contributor who is not an  
 9 employee retains ownership of his copyright." Id. at 558 (citing Easter Seal Society  
 10 v. Playboy Enters., 815 F. 2d 323, 329 (5<sup>th</sup> Cir. 1987)). The court went on to hold:

11 [S]ection 101 specifically addresses the movie and book publishing  
 12 industries, affording moviemakers a simple, straightforward way of  
 13 obtaining ownership of the copyright in a creative contribution –  
 14 namely a written agreement. The Supreme Court and this circuit,  
 15 while recognizing the custom and practice in the industry, *have*  
 16 *refused to permit moviemakers to sidestep section 204's writing*  
 17 *requirement.* Accordingly, we find unpersuasive Cohen's contention  
 18 that section 204's writing requirement, which singles out no particular  
 19 group, somehow doesn't apply to him. As section 204 makes no  
 20 special allowances for the movie industry, neither do we.

21 Id. at 558, emphasis supplied. See also Oddo v. Ries, 743 F. 2d 630 (9<sup>th</sup> Cir 1984)  
 22 (publishing distorted manuscript exceeded scope of initial contributor and publisher  
 23 liable for copyright infringement). Thus, because no writing exists showing a  
 24 transfer of rights, nor a work-for-hire agreement, the copyright in Plaintiffs  
 25 performance remains intact.

26 C. Defendant Nakoula and Plaintiff Garcia Never Agreed, in Writing  
 27 or Otherwise, to Create a "Joint Work of Authorship," as Google  
 28 and YouTube Apparently Claim.

Plaintiff anticipates YouTube to oppose, claiming Plaintiff may not sue  
 Defendant Nakoula for copyright infringement (or, by extension, Google and  
 YouTube for contributory infringement) because Plaintiff and Defendant Nakoula  
 created a "joint work of authorship." However, Plaintiff *never* had a meeting of the

1 minds with Defendant Nakoula. “Joint work” defenses should be carefully  
 2 evaluated on a case-by-case basis to determine whether the “authors” intended to  
 3 create a “unitary work.” Here, Defendant Nakoula’s fraudulent procurement of  
 4 Plaintiff’s performance did not created a joint agreement on anything related to  
 5 *Innocence of Muslims*.

6 Initially, Plaintiff notes that the burden is on Defendants, *not on her*, to show  
 7 that both she and Defendant Nakoula intended that the doctored propaganda film  
 8 *Innocence of Muslims*, which she was tricked into believing was a desert historical  
 9 adventure called *Desert Warrior*, would be a joint work of authorship.

10 Although the Second and Seventh Circuits do not base their decisions  
 11 [as to joint authorship] on the word ‘authors’ in the statute, the practical  
 12 results they reach are consistent with ours. These circuits have held  
 13 that a person claiming to be an author of a joint work must prove that  
 14 **both parties intended each other to be joint authors.**

15 Aalmuhammed v. Lee, 202 F.2d 1227, 1233-1234 (9<sup>th</sup> Cir. 2000) (emphasis added).  
 16 Aalmuhammad is significant: First, as noted above, it establishes that the burden is  
 17 on the *putative joint author*, not the person claiming a sole copyright, to prove the  
 18 intent to create a jointly authored work. Second, it suggests that in this case, where  
 19 there is no written joint authorship agreement, a contributory infringer such as  
 20 Google or YouTube cannot establish a joint authorship defense, because it cannot  
 21 prove Plaintiff or Nakoula’s subjective intentions. Perhaps this second point is  
 22 academic, because in this case the uncontroverted evidence is that Plaintiff never  
 23 intended to be a “joint author” of *The Innocence of Muslims*, given that Defendant  
 24 Nakoula tricked her by assuring her that she was appearing in an innocuous action  
 25 film called *Desert Warrior*.

26 Even if the burden of proof was not an insurmountable obstacle for  
 27 Defendants, the law of joint authorship would be. While “joint” authors may not  
 28 sue each other in copyright, see 17 U.S.C. § 101, a “joint work” exists “only when  
 both authors intended at the time the work was created, ‘that their contributions be



merged into separate or interdependent parts of a unitary whole.” Id.; Childress v. Taylor, 945 F.2d 500 (2<sup>nd</sup> Cir. 1991)(emphasis supplied.) “Copyright law best serves the interests of creativity when it carefully draws the bounds of ‘joint authorship’ so as to protect the legitimate claims of both sole authors and co-authors.” Id. “Where the author never intended for his material to be part of a joint work, he retains the right to that material.” Siegel v. Time Warner, Inc., 496 F. Supp. 2d 1111, 1148 (C.D. Cal. 2007). **Where the parties’ intentions at the beginning of the creative process are inconsistent**, that “could indicate a lack of intent to form a joint work.” See, e.g., Reinsdorf v. Skechers, U.S.A., 2011 U.S. Dist. LEXIS 28293, at \*9 (C.D. Cal. Mar. 9, 2011) (use of copyrighted photographs was limited to terms of license, not entitling Skechers to use them as it “saw fit”).<sup>11</sup>

**D. YouTube Has Stepped Far Outside the DMCA’s Safe Harbor Provision, Subjecting it To Liability for Copyright Infringement.**

“The DMCA was enacted in 1998 to implement the World Intellectual Property Organization Copyright Treaty,” Universal City Studios, Inc. v. Corley, 273 F.2d 429, 440 (2d Cir. 2001), and to update domestic copyright law. See Ellison v. Robertson, 357 F.3d 1072, 1076 (9<sup>th</sup> Cir. 2004). Title II of the DMCA, titled separately the Online Copyright Infringement Liability Limitation Act (“OCILLA”) was designed to “clarif[y] the liability faced by service providers who

<sup>11</sup> Google and YouTube have not raised the issue of “fair use,” but should they do so, they would be wrong. 17 U.S.C. § 107. Plaintiff considered the issue of fair use, pursuant to Lenz v. Universal Music Corp., 572 F. Supp. 2d 1150 (N.D. Cal. 2008). Google and YouTube are enjoying an economic benefit by drawing 30 million “views” using the Film. A&M Records v. Napster, Inc., 239 F.3d 1004 (9<sup>th</sup> Cir. 2001); see also Worldwide Church of God v. Philadelphia Church of God, 227 F.3d 1110, 1118 (9<sup>th</sup> Cir. 2000) American Geophysical Union v. Texaco, Inc., 60 F.3d 913, 922 (2d Cir. 1994) (finding that researchers at for-profit laboratory gained indirect economic advantage by photocopying copyrighted scholarly articles); Export Establishment etc. v. Columbia Broadcasting Service, Inc., 503 F. Supp. 1137, 1147 (S.D.N.Y. 1980) (dramatic ratings boost by using copyrighted Charlie Chaplin clips). The use of Plaintiff’s performance goes to the “heart” of the message. Los Angeles News Service v. Tullo, 973 F. 2d 791, 798 (9<sup>th</sup> Cir. 1992); see Harper & Row Publishers, Inc. v. Nation Enters., 471 U.S. 539, 564-65, 105 S.Ct. 2218, 85 L.Ed.2d 588 (1985)

transmit potentially infringing material over their networks.” S. Rep. 105-190 at 2 (1998). Congress elected “to create a series of ‘safe harbors [ ]’ for certain common activities of service providers.” *Id.* at 19. To that end, OCILLA established a series of four “safe harbors” that allow qualifying service providers to limit their liability for claims of copyright infringement. See *Viacom, et al. v. YouTube, et al.*, (2<sup>nd</sup> Cir. April 5, 2012), Case No. 10-3270 CV (RJN at 4.) YouTube is such a provider. See generally *id.*; see also RJN 6 (2<sup>nd</sup> Circuit opinion on DMCA issues relative to YouTube).

Under 512(c)(1)(A), safe harbor protection is available only if the service provider:

- (i) Does not have actual knowledge that the material or an activity using the material on the system or network is infringing;
- (ii) In the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or
- (iii) upon obtaining such knowledge or awareness, acts expeditiously to remove or disable access to the material.

In short, OCILLA creates a safe harbor for online service providers (“OSPs”), *only if* they adhere to the mandatory safe harbor guidelines and “expeditiously” block access to alleged infringing material, or remove that material from their systems when they receive a notification of an infringement claim from a copyright holder or the copyright holder’s agent. OCILLA also includes a counter-notification provision that offers OSPs a safe harbor from liability when users claim that the material in question is not, in fact, infringing.

**E. Even if Defendant Nakoula Had a Joint Copyright Interest with Plaintiff Garcia, All of the Third Parties Who Have Copied and Re-Posted the Film on YouTube Have No Right to Copy and Re-Post the Film, and Are Infringing on Plaintiff Garcia’s Copyright.**

While YouTube and Google may raise the issue of “joint work” and joint copyright as between Plaintiff Garcia and Defendant Nakoula (albeit Plaintiff

absolutely contests that argument as stated above), there is no such issue with respect to the hundreds of third parties who have copied the Film and re-posted it on YouTube, accounting for tens of millions of views for YouTube. These third parties have no right to copy and re-post the Film, and are clearly infringing. Defendants YouTube and Google cannot argue otherwise. The eight DMCA takedown notices delivered by Plaintiff's DMCA takedown agent specifically named and identified these third party YouTube URLs and requested that YouTube remove or disable them. Defendants YouTube and Google have refused.

**VI. PLAINTIFF WILL SUFFER IRREPARABLE HARM IF THE TRO AND INJUNCTION ARE NOT GRANTED**

A temporary restraining order preserves the status quo and prevents irreparable harm until a hearing can be held on a preliminary injunction application. See Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers, 415 U.S. 423, 429, 94 S.Ct. 1113, 39 L.Ed.2d 435 (1974). The irreparable injury must be both likely and immediate. Winter v. Nat. Res. Defense Council, Inc., 555 U.S. 7, 129 S.Ct. 365, 374-75, 172 L.Ed.2d 249 (2008); Caribbean Marine Services Co., Inc. v. Baldrige, 844 F.2d 668, 674 (9<sup>th</sup> Cir. 1988) ("a plaintiff must demonstrate immediate threatened injury as a prerequisite to preliminary injunctive relief"). Risk of death constitutes "irreparable harm." See, e.g., Harris v. Board of Supervisors, 366 F.3d 754, 766 (9<sup>th</sup> Cir. 2004) (affirming preliminary injunction barring Los Angeles County from closing hospital and reducing public hospital beds due to risk of irreparable harm to patients including death); Yue v. Consecro, CV 11-9506 AHM, 2012 U.S. Dist. LEXIS 46565, 40-41 (C.D. Cal. Apr. 2, 2012) (preliminary injunction warranted against increased cost of life insurance because loss of "security" and "peace of mind" constitutes irreparable injury).

Plaintiff more than meets her burden. As set forth above and in the accompanying declarations, she has suffered and will continue to suffer immediate and irreparable harm if the Film is not taken down. For instance: (1) Plaintiff has



1 received credible threats of death and harm against both herself and her family (one  
 2 individual threatened to rape her daughter repeatedly); (2) Plaintiff has had to move  
 3 her personal residence due to threats and harassment; (3) Plaintiff has been advised  
 4 repeatedly and in the strongest terms to take the most stringent security measures  
 5 possible to protect herself; and (4) Every moment the Film remains on YouTube, her  
 6 copyright continues to be violated.

7 **VII. THE BALANCE OF EQUITIES IS IN PLAINTIFF GARCIA'S FAVOR**

8 Under the circumstances of this case – not just the serious intellectual  
 9 property issues raised by Plaintiff's claim, but more importantly, the credible threats  
 10 of *death* against her, the hardship to Plaintiff if the Film is not removed is grave  
 11 indeed. It is true that the law requires this Court to "balance" the relative hardships  
 12 to the parties when evaluating a request for a temporary restraining order. To this  
 13 day, Defendants have provided Plaintiff with *no* rationale for their cruel decision to  
 14 continue to endanger her life by continuing to publish the video: the only excuses  
 15 that Defendants have made for themselves are: (1) Defendant Nakoula's racist  
 16 belief that "the Muslims" have killed unspecified "innocent" people; and (2) Google  
 17 Chairman Eric Schmidt's disingenuous claim that the problems experienced by  
 18 innocent people (such as Plaintiff) due to the Film can simply be cured with "more  
 19 speech." In reality, the circumstantial evidence is far more damning, particularly to  
 20 Google and YouTube. As set forth on the YouTube site, the Film has received more  
 21 than 30 million page "views" in English alone. Since YouTube derives income  
 22 from advertising revenues and "views", it has 30 million reasons to leave the video  
 23 trailer where it is, and let Plaintiff simply to fend for herself.

24 The balance of hardships cannot tip to any side other than to Plaintiff. "The  
 25 balance of equities strongly favors [the Plaintiff] because Defendants' only interest  
 26 is fiscal, whereas the [Plaintiff] faces *life or death consequences*." See Oster v.  
 27 Lightbourne, 2011 U.S. Dist. LEXIS 138191 (N.D. Cal. 2011)

1 **VIII. AN INJUNCTION IS DECIDLY IN THE PUBLIC INTEREST**

2 Finally, Plaintiff must show that an injunction is in the public interest. Winter  
 3 v. Natural Res. Def. Council, Inc., 129 S.Ct. 365, 374, 376 (2008); National Meat  
 4 Ass'n v. Brown, 599 F.3d 1093, 1097 (9th Cir. 2010); see also Beardslee v.  
 5 Woodford, 395 F.3d 1064, 1067 (9th Cir. 2005). It is. Defendants' actions have not  
 6 just put the life of Cindy Lee Garcia in danger. They have endangered the lives of  
 7 every actor and crew member who is a subject of the *fatwa*. Media reports have  
 8 already reported on numerous deaths caused by the violence. The web giant known  
 9 as Google, a name derived from the number 10 with 100 zeroes, pursues mammon  
 10 at the expense of the innocent.

11 Plaintiff anticipates that Defendants may attempt to argue that the First  
 12 Amendment trumps the worldwide carnage sparked by the Film. It does not. First,  
 13 Plaintiff is a private individual who is not acting in concert with the state; she  
 14 therefore is not capable of violating the First Amendment. See, e.g., Law v. Miller,  
 15 2011 U.S. Dist. LEXIS 102527 (E.D. Cal. 2011) (rejecting claim that non-  
 16 governmental parties violated plaintiff's First Amendment rights where defendants  
 17 were not state employees and there was no nexus between the defendants and the  
 18 state such that the defendants' actions might be fairly treated as those of the state).  
 19 Second, the First Amendment does not protect copyright infringement. Columbia  
 20 Pictures, Inc. v. Bunnell, 245 F.R.D. 443 (C.D. Cal. 2007) ("To the extent that the  
 21 users are engaged in copyright infringement, the First Amendment affords them no  
 22 protection whatsoever.")(citing Harper & Row, 471 U.S. at 559). Third, even if the  
 23 Film did not violate Plaintiff's copyright, by now it is clear that Defendants' actions  
 24 can be compared to falsely shouting "Fire!" in a theater, creating a "clear and  
 25 present danger" outside the protections of the First Amendment. Schenck v. United

1 States, 249 U.S. 47, 52, 39 S.Ct. 247, 63 L.Ed. 470. The public interest is protected  
2 best by removing the video.<sup>12</sup>

3 Further, Defendant Nakoula violated the terms of his federal criminal  
4 probation by posting the Film – he was prohibited from using a computer or  
5 accessing the Internet. (See RJN 5 & Ex. B.) As the worldwide events described in  
6 this brief unfolded, Defendant Nakoula was arrested on a probation violation and  
7 now sits, without bail, in the Metropolitan Detention Center in Los Angeles.  
8 Magistrate Judge Segal found that he may have violated the terms of his probation,  
9 used aliases, and is both a flight risk and danger to the community. (See RJN 5 &  
10 Ex. B.) The public has an interest in ensuring that criminal defendants do not  
11 violate probation terms -- and that Google and YouTube not continue to aid and abet  
12 him in doing so<sup>13</sup> – which is exactly what has here been done.

### 13 **IX. THE RELIEF REQUESTED**

14 Based on the above, Plaintiff requests the Defendants be temporarily  
15 restrained:

16 1. From publishing, reproducing, disclosing, or otherwise allowing the  
17 Copyrighted Performance (the original, un-dubbed script of which is identified in  
18 Exhibit A to Ms. Garcia's Complaint) to be uploaded or shown on YouTube.com  
19 and any other Websites operated by Defendants, or any of them, and from copying  
20

21  
22 <sup>12</sup> YouTube's own guidelines prohibit the posting of "hate speech" -- a clearer  
23 case of hate speech is hard to imagine. YouTube can hardly claim an interest in  
24 keeping up globally condemned film.

25 <sup>13</sup> "Whoever commits an offense against the United States or aids, abets,  
26 counsels, commends, induces or procures its commission, is punishable as a  
27 principal." 18 U.S.C. § 2. In this case, Defendants Google and YouTube are now  
28 *knowingly* aiding and abetting Defendant Nakoula's continued violation of his  
federal probation by keeping the video posted. Counsel for Plaintiff have provided  
counsel for YouTube and Google the Judgment and Commitment for Nakoula  
showing that he was prohibited from using the Internet, computers or ISPs without  
the permission of the United States Probation Officer.

1 or allowing the content to be copied into any computer database, information  
2 service, storage facility, archives or other computerized network or facility:

3 2. From disclosing or displaying, or causing to be disclosed or displayed,  
4 any portion of the Copyrighted Performance;

5 3. From destroying or concealing, or in any way disposing of any  
6 reproduction, facsimile, excerpt, or derivative of any work related to the  
7 Copyrighted Performance that is in Defendants' possession, custody or control.

8 Plaintiff further seeks an order to show cause as to why a preliminary  
9 injunction should not be issued affording the same relief set forth above.

10 Plaintiff further seeks an impoundment order, such that Defendants turn over  
11 for impoundment, to remain in the custody of Ms. Garcia's counsel during the  
12 pendency of this action, all unauthorized copies of in their custody, possession or  
13 control of the copyrighted works of Ms. Garcia, including but not limited to:

14 1. All copies of the Copyrighted Performance, whether contained in the  
15 Film as titled *Desert Warrior or Innocence of Muslims*, in the possession, custody,  
16 or control of Defendants.

17 2. Any and all media in which the Copyrighted Performance is stored  
18 within the possession, custody, or control of Defendants, including but not limited to  
19 computers, computer disks, cassette tapes, hard drives, CD-ROMs, DVDs, USB  
20 sticks, and other media.

21 **X. CONCLUSION**

22 Based on the foregoing, Plaintiff respectfully requests that this Court  
23 GRANT the Application for the relief requested.

24 Dated: October 17, 2012

THE ARMENTA LAW FIRM, A.P.C.

26 By:   
27 M. Cris Armenta

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 11900 Olympic Boulevard, Suite 730, Los Angeles, California 90064.

On October 17, 2012 I served the following document(s) described as:

**(1) EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION, AND ORDER OF IMPOUNDMENT**

**(2) REQUEST FOR JUDICIAL NOTICE**

**(3) DECLARATIONS OF CINDY LEE GARCIA, DAN SUTTER, GAYLORD FLYNN, DR. KHALED ABOU EL FADL, ALL IN SUPPORT OF EX PARTE APPLICATION**

**(4) DECLARATION OF DAVID HARDY IN SUPPORT OF EX PARTE APPLICATION**

**(5) DECLARATION OF M. CRIS ARMENTA IN SUPPORT OF EX PARTE APPLICATION**

**(6) DECLARATION OF ZAHAVAH LEVINE IN SUPPORT OF EX PARTE APPLICATION**

**(7) [PROPOSED] ORDER GRANTING PLAINTIFF'S EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER, ISSUANCE OF ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION, AND ORDER OF IMPOUNDMENT**



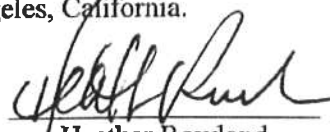
1 on the interested parties in this action by placing true copies thereof addressed as follows:

2 Timothy L. Alger  
3 Sunita Bali  
4 Perkins Coie LLP  
5 3150 Porter Drive  
6 Palo Alto, CA 94304-1212  
7 TAlger@perkinscoie.com  
8 sbali@perkinscoie.com

9 ☒ BY ELECTRONIC MAIL, pursuant to the consent of the above counsel

10 I declare under penalty of perjury under the law of the State of California that the above is true and  
11 correct and that I am employed in the office of a member of the Bar of this Court at whose  
12 direction the service was made.

13 Executed on October 17, 2012 in Los Angeles, California.

14   
15 Heather Rowland

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 1511 West Beverly Blvd, Los Angeles, California 90026.

On \_\_\_\_\_ I served the following document(s) described as:

**(1) EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION, AND ORDER OF IMPOUNDMENT**

**(2) REQUEST FOR JUDICIAL NOTICE**

**(3) DECLARATIONS OF CINDY LEE GARCIA, DAN SUTTER, GAYLORD FLYNN, DR. KHALED ABOU EL FADL, ALL IN SUPPORT OF EX PARTE APPLICATION**

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**(6) DECLARATION OF ZAHAVAH LEVINE IN SUPPORT OF EX PARTE APPLICATION**

**(7) [PROPOSED] ORDER GRANTING PLAINTIFF'S EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER, ISSUANCE OF ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION, AND ORDER OF IMPOUNDMENT**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:



***Nakoula B. Nakoula***  
***c/o***  
***Los Angeles County Sheriff's Department***  
***Stanley Mosk Courthouse***  
***110 North Grand Avenue Room 525***  
***Los Angeles, 90012***

☐ **PERSONAL SERVICE:** On \_\_\_\_\_ I served the foregoing documents listed above by personally handing them to \_\_\_\_\_

***I declare under penalty of perjury under the law of the United States of America that the above is true and correct and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.***

Executed on \_\_\_\_\_ in Los Angeles, California.

**PROOF OF SERVICE**

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12 Telephone: 06 74 90 22 08  
13 Email: [credence.sol@sol-law.com](mailto:credence.sol@sol-law.com)

14 Attorneys for Plaintiff  
15 Cindy Lee Garcia

16 **UNITED STATES DISTRICT COURT**  
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 CINDY LEE GARCIA, an  
19 individual,  
20  
21 Plaintiff,

22 vs.

23 NAKOULA BASSELEY  
24 NAKOULA, an individual also  
25 known as SAM BACILE, MARK  
26 BASSELEY YOUSSEF,  
27 ABANOB BASSELEY  
28 NAKOULA, MATTHEW  
NEKOLA, AHMED HAMDY,  
AMAL NADA, DANIEL K.  
CARESMAN, KRITBAG  
DIFRAT, SOBHI BUSHRA,  
ROBERT BACILY, NICOLA  
BACILY, THOMAS J. TANAS,  
ERWIN SALAMEH, YOUSSEFF  
M. BASSELEY, and/or MALID  
AHLAWI; GOOGLE, INC., a  
Delaware Corporation;  
YOUTUBE, LLC, a California  
limited liability company, and  
DOES 1 through 10, inclusive.

Defendants.

Case No. CV12-8315 MWF (VBKx)

**REQUEST FOR JUDICIAL  
NOTICE**

**REQUEST FOR JUDICIAL NOTICE**

1  
2           1.     The court is requested to take judicial notice of the worldwide events  
3 that unfolded on and after September 11, 2012, which were widely and globally  
4 reported in the news and were at the time attributed to protests over the film  
5 *Innocence of Muslims* (the "Film"), and as set forth in the declaration of expert and  
6 Professor Khaled Abou El Fadl. The court may take judicial notice of information  
7 in newspaper articles. Ritter v. Hughes Aircraft Co., 58 F.3d 454, 458-459 (9<sup>th</sup> Cir.  
8 1995). Federal Evidence Section Evidence Code. 201(b) provides that judicial  
9 notice must be "one not subject to reasonable dispute in that it is either (1) generally  
10 known within the territorial jurisdiction of the trial court or (2) capable of accurate  
11 and ready determination by resort to sources whose accuracy cannot reasonably be  
12 questioned." A district court's decision to take judicial notice under Rule 201 is  
13 reviewed for an abuse of discretion. United States v. Chapel, 41 F.3d 1338, 1342  
14 (9<sup>th</sup> Cir. 1994), cert. denied, 131 L. Ed. 2d 1015, 1995 U.S. LEXIS 3609, 115 S. Ct.  
15 2017 (U.S. May 22, 1995).

16           2.     The specific facts set forth in the news reports include the following:  
17 (a) that on September 11, 2012, the U.S. Consulate in Benghazi, Libya, was  
18 attacked, resulting in the deaths of four Americans, including Ambassador  
19 Christopher Stevens; (b) that violence has continued to erupt across the world; (c)  
20 that many experts in geopolitical affairs have attributed this violence directly to the  
21 Film; (d) that news reports indicate that many people worldwide have died in the  
22 violence that the film has sparked; (e) that whether the Film is or is not the cause of  
23 the violence, the violence in fact occurred with many at the time attributing it to the  
24 anti-Muslim sentiment in the Film; (f) that on September 19, 2012, Egyptian cleric  
25 Ahmad Fouad Ashoush issued a "fatwa" directed at Plaintiff and every other person  
26 involved in the production of *Desert Warrior/The Innocence of Muslims*:  
27  
28

*I issue a fatwa and call on the Muslim youth in America and Europe to do this duty, which is to kill the director, the producer and the actors and everyone who helped and promoted the film.*

(5) that the public response of Google Chairman Eric Schmidt's response to questions about the Film was: "We believe the answer to bad speech is more speech ... It'll stay up." The material supporting the preceding items are contained in the Declaration of Khaled Abou El Fadl,

3. In July of 2012, the WIPO Audiovisual Dramatic Performance Treaty ("AVP Treaty") was signed by the United States in Beijing, China in July of 2012. The United States was instrumental in encouraging other countries to sign the AVP Treaty in order to bring other countries into compliance with the long-standing acknowledgement in the United States that actors, just like musicians, own the rights to their performances unless assigned, unless they are employees, or unless they execute a written instrument indicating their work is a work-for-hire. The formal statement issued by the United States Patent & Trademark Office, in connection with the AVP Treaty, states:

Under U.S. law, actors and musicians are considered to be "authors" of their performances providing them with copyright rights.

Just as the rights established in the U.S. law already provide the protection for musical performers mandated by the WPPT, U.S. law is already generally compatible with the AVP provisions ("points of attachment" for parties to this treaty under U.S. law).

The official position statement of the United States and Trademark Office is attached hereto as Exhibit A.

1           4.     The court is requested of the public case file in United States of  
2 America v. Nakoula, et al, United States District Court (Case No. NEED],:  
3 (1) which includes the Judgment and Commitment, restricting Nakoula from  
4 using a computer or accessing the Internet; (2) Nakoula was arrested on a  
5 probation violation and now sits, without bail, in the Metropolitan Detention  
6 Center in Los Angeles. Magistrate Judge Segal found that he may have  
7 violated the terms of his probation, used aliases, and is both a flight risk and  
8 danger to the community. The relevant documents from the Nakoula  
9 criminal court case file, of which the court is requested to take judicial  
10 notice, are attached hereto as Exhibit B.

11  
12 Dated: October 17, 2012

THE ARMENTA LAW FIRM, A.P.C.

13  
14 By:



M. Cris Armenta  
Attorneys for Cindy Lee Garcia

EXHIBIT A

ER175

**BACKGROUND AND SUMMARY OF  
THE 2012 WIPO AUDIOVISUAL PERFORMANCES TREATY**

*On June 26, at a Diplomatic Conference in Beijing, China, the United States joined countries from around the world in signing the WIPO Audiovisual Performances Treaty (AVP Treaty). This treaty will guarantee rights to film and television actors around the world in a form compatible with U.S. law and on a par with the rights accorded to musicians under the 1996 WIPO Performances and Phonograms Treaty (WPPT).*

**HISTORY**

- The United States was a leading force in the 1996 Diplomatic Conference (Dipcon) that produced the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). These treaties updated international copyright laws in critical ways, including rights of distribution and making available on the internet, and the safeguarding of technological protection measures.
- Language not included in the 1996 negotiations would have addressed audiovisual performers rights in the WPPT, but agreement could not be reached on how to bridge the differences in difficult countries systems.
- Instead, it was agreed that separate negotiations on the AVP would be conducted aimed at producing either a Protocol to the WPPT or a stand-alone agreement. Negotiations continued starting in 1997.
- In October 1998, Congress passed the Digital Millennium Copyright Act (DMCA) implementing the WCT and WPPT. The United States Senate gave its consent to ratification of the WCT and WPPT on October 21, 1998; the United States deposited its instruments of ratification for both treaties with WIPO on September 14, 1999.
- The United States strongly advocates these treaties and their adoption and implementation as part of bilateral and plurilateral trade and intellectual property agreements.
- In December 2000, another Dipcon was convened to negotiate the AVP. The U.S. delegation included members from USPTO, Copyright Office, and State as well as representatives of the Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTA) and the Motion Picture Association of American (MPAA).
- The 2000 Dipcon completed all substantive provisions of the AVP except one relating to transfers of rights from performers to producers. The U.S., supported by India, insisted on a "transfer of rights" provision that major film producers felt was needed to ensure their ability to distribute films globally; the European Union opposed all proposals for such a provision. The Dipcon deadlocked on this issue.
- For the next decade, the incomplete AVP languished on the agenda of WIPO's Standing Committee on Copyright and Related Rights (SCCR).

**BREAKTHROUGH IN 2011, DIPLOMATIC CONFERENCE IN 2012**

- In 2010, WIPO Member States were invited to submit proposals for the AVP transfer of rights provision in order to complete the treaty.



- The United States submitted a proposal, developed with substantial input from SAG-AFTA and MPAA. Mexico and India also submitted proposals and the three countries (IN, MX, US) were tasked with finding a compromise solution.
- The United States, Mexico, and India delegations achieved compromise language, working closely with the delegations of other major film-producing jurisdictions, particularly the EU, Brazil, and Nigeria. [Attached on page three as an Annex.]
- Based on this agreement, in September 2011 the WIPO General Assembly decided to convene a Dipcon to complete the AVP Treaty.
- The Chinese Government offered to host the Dipcon and this was supported by the United States as a means to strengthen China's commitment to copyright.
- The Dipcon to complete the WIPO AVP Treaty was held in Beijing, June 20-26.

#### **COMPATIBILITY WITH U.S. LAW**

- Under U.S. law, actors and musicians are considered to be “authors” of their performances providing them with copyright rights.
- Just as the rights established in U.S. law already provide the protection for musical performers mandated by the WPPT, U.S. law is already generally compatible with the AVP provisions. (This was also the Administration's view in 2000.)
- Nonetheless, implementation of the AVP may require some technical amendments of the Copyright Act, in particular where Title 17 refers to existing international copyright obligations (“points of attachment” for parties to this treaty under U.S. law).
- Assuming the negotiations are successful, then subject to authorization by the Secretary of State to sign the treaty and the Administration's final determination, the AVP, like the WCT and WPPT, would be submitted for the advice and consent of the Senate.

#### **IMPORTANCE TO U.S. STAKEHOLDERS**

- The AVP Treaty is important to American actors—represented by SAG/AFTRA—as a way of increasing global protection for performers by ensuring updated and consistent standards of protection for performers in audiovisual works.
- With the now acceptable “transfer of rights” provisions, the AVP Treaty represents a win-win for labor and industry, allowing them to work even more closely in fighting global piracy.
- Ratification by the United States and key trading partners will give U.S. stakeholders another mechanism to promote protection of the intellectual property in their films.

####

**ANNEX – Compromise Article 12 to complete the AVP**

**Article 12**

**Transfer of rights**

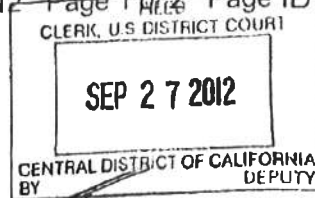
A Contracting Party may provide in its national law that once a performer has consented to fixation of his or her performance in an audiovisual fixation, the exclusive rights of authorization provided for in Articles 7 to 11 of this Treaty shall be owned or exercised by or transferred to the producer of such audiovisual fixation subject to any contract to the contrary between the performer and the producer of the audiovisual fixation as determined by the national law.

A Contracting Party may require with respect to audiovisual fixations produced under its national law that such consent or contract be in writing and signed by both parties to the contract or by their duly authorized representatives.

Independent of the transfer of exclusive rights described above, national laws or individual, collective or other agreements may provide the performer with the right to receive royalties or equitable remuneration for any use of the performance, as provided for under this Treaty including as regards Articles 10 and 11.

EXHIBIT B

ER179



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CR09-617-CAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

NAKOULA BASSELEY NAKOULA

Defendant.

ORDER OF DETENTION AFTER  
HEARING ( Fed.R.Crim.P. 32.1(a)(6)  
Allegations of Violations of Probation  
Supervised Release)  
Conditions of Release)

On arrest warrant issued by a United States District Court involving  
alleged violations of conditions of probation or Supervised Release,

The court finds no condition or combination of conditions that will  
reasonably assure:

(A) ~~X~~ the appearance of defendant as required; and/or

(B) ~~X~~ the safety of any person or the community.

//

//

1 The court concludes:

2 A. (X) Defendant poses a risk to the safety of other persons or the  
3 community because defendant has not demonstrated by clear and  
4 convincing evidence that:

5 he will abide by conditions of supervised  
6 release. Despite his underlying conviction

7 for fraud and the condition that he not use any

8 name other than his true name, it is alleged he  
9 failed to use his true name. He may have committed  
10 new crimes while on release. Thus, defendant poses a danger

11 (B) (x) Defendant is a flight risk because defendant has not shown by clear to the  
12 and convincing evidence that: community.

13 he will abide by conditions of release. He appears  
14 to have engaged in a pattern of deception. He lacks  
15 stable employment or residence. He does not have  
16 an adequate surety or bail resources. He has some  
17 ties to foreign countries. He has used aliases. Thus,  
18 defendant poses a risk of flight.

19 IT IS ORDERED that defendant be detained.

20 DATED: 9/27/12

21  
22   
23 SUZANNE H. SEGAL  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27  
28

United States District Court  
Central District of California

UNITED STATES OF AMERICA vs.

Docket No.

CR09-617-CAS

ENTER

Defendant NAKOULA BASSELEY NAKOULA

Social Security No. 0 7 7 4

Mark Basseley Youssef; Yousseff M. Basseley;

(Last 4 digits)

akas: Nicola Bacily; Malid Ahlawi

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
06	24	2010

**COUNSEL** ☒ WITH COUNSEL

James Henderson, Sr., Retained

(Name of Counsel)

**PLEA**

☐ GUILTY, and the court being satisfied that there is a factual basis for the plea. ☐

**NOLO  
CONTENDERE**

☐ **NOT  
GUILTY**

**FINDING**

There being a finding/verdict of **GUILTY**, defendant has been convicted as charged of the offense(s) of:

Bank Fraud, Causing an Act to be Done in violation of 18 USC 1344,2(b), as charged in Count 1 of the Indictment.

**JUDGMENT  
AND PROB/  
COMM  
ORDER**

The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed on count 1 of the Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of: **TWENTY-ONE (21) MONTHS.**

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, which is due immediately.

It is ordered that the defendant shall pay restitution in the total amount of \$794,700.57, pursuant to 18 U.S.C. § 3663A.

The amount of restitution ordered shall be paid to the victim as set forth in a separate victim list prepared by the probation office which this Court adopts and which reflects the Court's determination of the amount of restitution due to each victim. The victim list, which shall be forwarded to the fiscal section of the clerk's office, shall remain confidential to protect the privacy interests of the victim.

If the defendant makes a partial payment, each payee shall receive approximately proportional payment unless another priority order or percentage payment is specified in this judgment.

Restitution shall be due during the period of imprisonment, at the rate of not less than \$25.00 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of restitution remains unpaid after release from custody, monthly installments of at least 10% of gross monthly income, but not less than \$100.00 shall be made, whichever is greater, during the period of supervised release and shall begin thirty (30) days after the commencement of supervision. Pursuant to 18 U.S.C. § 3612(f)(3)(A), interest on the restitution ordered is waived because the defendant does not have the ability to pay interest. Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

All fines are waived as it is found that the defendant does not have the ability to pay a fine in addition to restitution.

The defendant shall comply with General Order No. 01-05.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of five (5) years, under the following terms and conditions:



1. The defendant shall comply with the rules and regulations of the U. S. Probation Office and General Order 318;
2. The defendant shall reside for a period of six (6) months in a community corrections center (community corrections component), as directed by the Probation Officer, and shall observe the rules of that facility;
3. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one (1) drug test within fifteen (15) days of release from imprisonment and at least two (2) periodic drug tests thereafter, not to exceed eight (8) tests per month, as directed by the Probation Officer;
4. During the period of community supervision, the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment;
5. The defendant shall not obtain or possess any driver's license, Social Security number, birth certificate, passport or any other form of identification in any name, other than the defendant's true legal name; nor shall the defendant use, for any purpose or in any manner, any name other than his/her true legal name or names without the prior written approval of the Probation Officer;
6. The defendant shall cooperate in the collection of a DNA sample from the defendant;
7. Defendant shall not possess or use a device with access to any online service at any location without the prior approval of the Probation Officer. This includes access through any Internet Service Provider ("ISP"), bulletin board system, or any public or private computer network system. Further, defendant shall not have another individual access the Internet on defendant's behalf to obtain files or information that defendant is restricted from accessing personally, or accept restricted files or information from another person;
8. Defendant shall use only those computers, computer related devices, screen/user names, passwords, e-mail accounts, and ISPs approved by the Probation Officer. Computer and computer-related devices include, but are not limited to, personal computers, personal data assistants (PDAs), Internet appliances, electronic games, and cellular telephones, as well as peripheral equipment, that can access, or can be modified to access, the Internet, electronic bulletin boards, other computers, or similar media. Defendant shall use any approved computers only within the scope of his employment. Defendant shall not access a computer for any other purpose. Defendant shall immediately report to the Probation Officer any changes in defendant's employment affecting defendant's access and/or use of computers or the Internet, including e-mail;
9. All computers, computer-related devices, computer storage media, and peripheral equipment used by defendant shall be subject to search and seizure, and subject to the installation of search and/or monitoring software and/or hardware, including unannounced seizure for the purpose of search. Defendant shall not add, remove, upgrade, update, reinstall, repair, or otherwise modify the hardware or software on any computers, computer related devices, or peripheral equipment without the prior approval of the Probation Officer, nor shall defendant hide or encrypt files or data. Further, defendant shall, as requested by the Probation Officer, provide all billing records,



USA vs. NAKOULA BASSELEY NAKOULA

Docket No.: CR09-617-CAS

- including telephone, cable, Internet, satellite, and similar records; and
10. The defendant shall apply all monies received from income tax refunds to the outstanding court-ordered financial obligation. In addition, the defendant shall apply all monies received from lottery winnings, inheritance, judgements and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

Defendant is informed of his right to appeal.

The Court grants the Government's request to dismiss the remaining counts of the Indictment. The Court hereby recommends that defendant be designated to Lompoc, or as close thereto as possible.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

June 24, 2010

Date

Christine A. Snyder  
U. S. District Judge/Magistrate Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

June 24, 2010

Filed Date

By /s/

Catherine M. Jeang, Deputy Clerk

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

**STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE**

While the defendant is on probation or supervised release pursuant to this judgment:

USA vs. NAKOULA BASSELEY NAKOULADocket No.: CR09-617-CAS

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

☐ The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

#### STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15<sup>th</sup>) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:  
Private victims (individual and corporate),  
Providers of compensation to private victims,  
The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

USA vs. NAKOULA BASSELEY NAKOULA

Docket No.: CR09-617-CAS

**SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE**

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

**RETURN**

I have executed the within Judgment and Commitment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
Defendant noted on appeal on \_\_\_\_\_  
Defendant released on \_\_\_\_\_  
Mandate issued on \_\_\_\_\_  
Defendant's appeal determined on \_\_\_\_\_  
Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_  
the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Date

**CERTIFICATE**

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By \_\_\_\_\_  
Deputy Clerk

Filed Date

USA vs. NAKOULA BASSELEY NAKOULA

Docket No.: CR09-617-CAS

---

**FOR U.S. PROBATION OFFICE USE ONLY**

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) \_\_\_\_\_  
Defendant

\_\_\_\_\_   
Date

\_\_\_\_\_  
U. S. Probation Officer/Designated Witness

\_\_\_\_\_   
Date

***Nakoula B. Nakoula***  
***c/o***  
***Los Angeles County Sheriff's Department***  
***Stanley Mosk Courthouse***  
***110 North Grand Avenue Room 525***  
***Los Angeles, 90012***

☐ **PERSONAL SERVICE:** On \_\_\_\_\_ I served the foregoing documents listed above by personally handing them to \_\_\_\_\_

***I declare under penalty of perjury under the law of the United States of America that the above is true and correct and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.***

Executed on \_\_\_\_\_ in Los Angeles, California.

**PROOF OF SERVICE**

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 11900 Olympic Boulevard, Suite 730, Los Angeles, California 90064.

On October 17, 2012 I served the following document(s) described as:

**(1) *EX PARTE* APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION, AND ORDER OF IMPOUNDMENT**

**(2) REQUEST FOR JUDICIAL NOTICE**

**(3) DECLARATIONS OF CINDY LEE GARCIA, DAN SUTTER, GAYLORD FLYNN, DR. KHALED ABOU EL FADL, ALL IN SUPPORT OF *EX PARTE* APPLICATION**

**(4) DECLARATION OF DAVID HARDY IN SUPPORT OF *EX PARTE* APPLICATION**

**(5) DECLARATION OF M. CRIS ARMENTA IN SUPPORT OF *EX PARTE* APPLICATION**

**(6) DECLARATION OF ZAHAVAH LEVINE IN SUPPORT OF *EX PARTE* APPLICATION**

**(7) [PROPOSED] ORDER GRANTING PLAINTIFF'S *EX PARTE* APPLICATION FOR A TEMPORARY RESTRAINING ORDER, ISSUANCE OF ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION, AND ORDER OF IMPOUNDMENT**



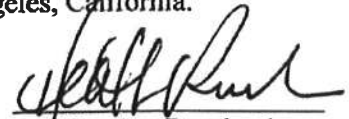
1 on the interested parties in this action by placing true copies thereof addressed as follows:

2 Timothy L. Alger  
3 Sunita Bali  
4 Perkins Coie LLP  
5 3150 Porter Drive  
6 Palo Alto, CA 94304-1212  
7 TAlger@perkinscoie.com  
8 sbali@perkinscoie.com

9 ☒ BY ELECTRONIC MAIL, pursuant to the consent of the above counsel

10 I declare under penalty of perjury under the law of the State of California that the above is true and  
11 correct and that I am employed in the office of a member of the Bar of this Court at whose  
12 direction the service was made.

13 Executed on October 17, 2012 in Los Angeles, California.

14   
15 Heather Rowland  
16  
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28



**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 1511 West Beverly Blvd, Los Angeles, California 90026.

On \_\_\_\_\_ I served the following document(s) described as:

**(1) *EX PARTE* APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION, AND ORDER OF IMPOUNDMENT**

**(2) REQUEST FOR JUDICIAL NOTICE**

**(3) DECLARATIONS OF CINDY LEE GARCIA, DAN SUTTER, GAYLORD FLYNN, DR. KHALED ABOU EL FADL, ALL IN SUPPORT OF *EX PARTE* APPLICATION**

**(4) DECLARATION OF DAVID HARDY IN SUPPORT OF *EX PARTE* APPLICATION**

**(5) DECLARATION OF M. CRIS ARMENTA IN SUPPORT OF *EX PARTE* APPLICATION**

**(6) DECLARATION OF ZAHAVAH LEVINE IN SUPPORT OF *EX PARTE* APPLICATION**

**(7) [PROPOSED] ORDER GRANTING PLAINTIFF'S *EX PARTE* APPLICATION FOR A TEMPORARY RESTRAINING ORDER, ISSUANCE OF ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION, AND ORDER OF IMPOUNDMENT**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

1 M. Cris Armenta (SBN 177403)  
2 THE ARMENTA LAW FIRM APC  
3 11900 W. Olympic Boulevard, Suite 730  
4 Los Angeles, CA 90064  
5 Tel: (310) 826-2826 x 108  
6 Facsimile: (310) 826-5456  
7 Email: [cris@crisarmenta.com](mailto:cris@crisarmenta.com)

8 Credence E. Sol (SBN 219784)  
9 La Garenne  
10 86300 Chauvigny  
11 France  
12 Telephone: 06 74 90 22 08  
13 [credence.sol@sol-law.com](mailto:credence.sol@sol-law.com)

14 Attorneys for Plaintiff  
15 Cindy Lee Garcia

16 UNITED STATES DISTRICT COURT  
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 CINDY LEE GARCIA, an individual,  
19 Plaintiff,

20 vs.

21 NAKOULA BASSELEY  
22 NAKOULA, an individual also  
23 known as SAM BACILE, MARK  
24 BASSELEY YOUSSEF,  
25 ABANOB BASSELEY  
26 NAKOULA, MATTHEW  
27 NEKOLA, AHMED HAMDY,  
28 AMAL NADA, DANIEL K.  
29 CARESMAN, KRITBAG  
30 DIFRAT, SOBHI BUSHRA,  
31 ROBERT BACILY, NICOLA  
32 BACILY, THOMAS J. TANAS,  
33 ERWIN SALAMEH, YOUSSEFF  
34 M. BASSELEY, and/or MALID  
35 AHLAWI; GOOGLE, INC., a  
36 Delaware Corporation;  
37 YOUTUBE, LLC, a California  
38 limited liability company, and  
39 DOES 1 through 10, inclusive.

40 Defendants.

Case No. CV12-8315-MWF-(VBKx)

**DECLARATIONS OF CINDY  
LEE GARCIA, DAN SUTTER,  
GAYLORD FLYNN, DR.  
KHALED ABOU EL FADL,  
ALL IN SUPPORT OF EX  
PARTE APPLICATION**

**DECLARATION OF CINDY LEE GARCIA**

I, Cindy Lee Garcia, declare:

1. I am over eighteen years of age and the Plaintiff in this action. I make this declaration based on my own personal knowledge, and if called as a witness, would testify competently as follows:

2. I am an actor who appeared in the film originally titled *Desert Warrior* and posted to YouTube with under title *Innocence of Muslims*. I am the Plaintiff in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

3. I am an ordained Christian minister. After my husband suffered a debilitating head injury approximately 3.5 years ago, I began to look for work as an actress. I have appeared in three films, including the film that is the subject of this lawsuit.

4. Because of my life path and work as an ordained Christian minister, I have been extremely careful and cautious in selecting the types of movies in which I will act. I preach tolerance of all religions and respect for each other's faith. The depiction of me as a person who would participate in a hateful production that blasphemes any god or religion is profoundly devastating to me.

5. In July of 2011, I responded to a casting notice for a film with a working title of *Desert Warrior*. I auditioned for and was cast in a supporting role in *Desert Warrior*. I met a man who told me his name was Sam Bacile. A true and correct photograph of the man who told me his name was Sam Bacile is attached hereto as Exhibit A. According to "Sam," I was to play the mother of a young woman who had been promised in marriage to the movie's protagonist, "Master George."

6. After I was cast, "Sam" provided me with "call sheets" that indicated the days I was to be on set to render my performance, and also outlined the scenes

1 that would be filmed each day. Additionally, "Sam" provided me with "script  
2 sheets" for those scenes in which my character was to appear. None of those script  
3 sheets contained any sexual content or language that I perceived to be offensive to  
4 any religion. More specifically, none of the script sheets referred to a character  
5 named "Mohammed." I worked for approximately 3 and one-half days on the set of  
6 *Desert Warrior*. I interacted regularly with "Sam Bacile". I was paid  
7 approximately \$500 for my work as an actress. I acted and my performance was  
8 recorded on film.

9 7. I was not an employee of "Sam Bacile." I was not an employee of the  
10 production company nor was I an agent for "Sam Bacile," or anyone else associated  
11 with *Desert Warrior*,

12 8. I never signed a release of any kind of my rights to my dramatic  
13 performance in the film, nor did I sign a work-for-hire agreement. I am unaware of  
14 any other actors in the film having signed any kind of a release or work-for-hire  
15 agreement either.

16 9. I did sign a document that related to my receipt of acting credit for the  
17 International Movie Database ("IMDB"). This was the only document that I signed  
18 in connection with *Desert Warrior* and it did not include any language pertaining to  
19 me releasing any rights to my performance to anyone.

20 10. Both prior to accepting the role and while I was on set, I specifically  
21 asked "Same Bacile" about the content of the film, because I never received nor saw  
22 the script as a whole. I was only given sheets for the particular portions in which I  
23 was to appear. "Sam Bacile" told me that the film was titled *Desert Warriors*, and  
24 that it was an "adventure" story set in the Arabian desert of 2,000 years ago. I  
25 believed him, because even though the production clearly was low-budget, "Sam  
26 Bacile's statements to me were consistent with my on-set observations of period  
27 costumes, sword fighting, and the general appearance that the film was set in ancient  
28

1 times. *At no time during my presence on-set did I hear any mention of the Muslim*  
2 *faith nor any mention of Islam.* There was nothing in the call sheets nor in the few  
3 script pages that I was given that I perceived to be religiously offensive. Had I  
4 observed any denigration of the Muslim faith on-set, or witnessed any sexual  
5 content, I would not have appeared in the film: because of my strong faith and my  
6 own moral beliefs, I would never, and in fact, did not, agree to be in a film that had  
7 sexual content or blasphemed any god or religion.

8 11. After filming of *Desert Warrior* was complete in July of 2011, "Sam  
9 Bacile" contacted me in March of 2012, when he requested that I participate in a  
10 post-production session where I spoke the same lines as I had on the set.

11 12. The next time I spoke with "Sam Bacile" was sometime after July 2,  
12 2012, when I telephoned him to ask whether *Desert Warrior* had been completed  
13 and was ready to be screened. It was only then that "Same Bacile" told me to search  
14 YouTube, under his name to locate the movie. When I accessed the trailer on  
15 YouTube, I discovered that my performing was dubbed over with racist and bigoted  
16 dialogue. To me, the video trailer was confusing because it did not appear to  
17 accurately depict the film that I believed I had performed. "Sam Bacile" literally  
18 turned me into a walking, talking "puppet" for his opinion that the Islamic religious  
19 figure Mohammed was a "child molester." That was also the point at which I  
20 learned that the film had been retitled, from *Desert Warrior* to *The Innocence of*  
21 *Muslims*. The words that I delivered on screen for *Desert Warrior*, in the scene in  
22 which my performance appears in *Innocence of Muslims*, were "Is George crazy?  
23 Our daughter is but a child?" Our "daughter" was named Hilary in *Desert Warrior*,  
24 and she is an adult actress over the age of eighteen. When I viewed *Innocence of*  
25 *Muslims*, my words were clearly dubbed over to look as if I actually said "Is your  
26 Mohammed a child molester?" I never uttered these words, let alone on the set of  
27 *Desert Warrior*.



1           13. Immediately after seeing the news about the attacks in Libya and  
2 realizing that my dramatic performance in *Desert Warriors/The Innocence of*  
3 *Muslims* and the manner in which it was grotesquely manipulated was related to the  
4 violence erupting around the world, I telephoned "Sam Bacile" on his cellular  
5 telephone. I spoke to him directly. I asked him why he "did this?" He replied,  
6 "You are not responsible. Tell the world that you are innocent. I did this... I did it  
7 because I am tired of the radical Muslims killing innocent people." I never  
8 harbored any intent, jointly with "Sam Bacile" or with anyone else, who I  
9 understand is actually named Nakoula Basseley Nakoula or Mark Basseley Youseff,  
10 to commit my performance to *Innocence of Muslims*. In fact, had I known of  
11 Nakoula's intent, motive or plan, I would absolutely not have participated in any  
12 way in the film.

13           14. Immediately after the film trailer "went viral" on YouTube, I began to  
14 receive calls from the media, all of whom were apparently already somehow aware  
15 that I had appeared in *The Innocence of Muslims*. Media camped outside my  
16 personal residence and sought interviews. I also learned that I had a *fatwa* on my  
17 head: that an Egyptian cleric had asked Muslims worldwide, and American youth in  
18 particular, to kill me. I began to receive numerous written death threats. In order to  
19 clear my name, ensure that the world was aware that I was, in fact, duped into  
20 performing, and that I never uttered the words attributed to me, I went public and  
21 advised the world through the media that I do not condone the film and that my  
22 dramatic performance was grotesquely mutilated when it was inserted into the video  
23 *The Innocence of Muslims*. I then took legal action to attempt to have the video  
24 removed from YouTube.

25           15. While in Los Angeles Superior Court on September 20, 2012, for a  
26 hearing on my state court lawsuit (which has since been dismissed), I was directed  
27 to park in a secure location underground and was accompanied to the public hearing  
28

1 by seven armed Los Angeles County Deputy Sheriffs. My attorney was approached  
2 by the head of security for the Los Angeles Superior Court and warned that we were  
3 both in danger. He expressed concern for me, for my lawyer and for both of our  
4 families, advising that the people who were after me "are very patient." Both of us  
5 were advised to take serious security measures entering and exiting the Los Angeles  
6 Superior Court at any time in the future.

7 16. While in New York during the last week of September, my attorney  
8 and I were accompanied by retired New York City police officers and hotel security  
9 personnel. When we departed New York, the Port Authority Police (the law  
10 enforcement agency for New York's airports) would not permit me to enter the La  
11 Guardia International Airport Terminal. Instead, I spent several hours at the airport  
12 police station, and then officers took me directly to my airplane on the tarmac in a  
13 squad car. The precautions were taken because, as the officers explained to me, I  
14 would become an "instant target" if permitted to be in the public areas of the airport  
15 terminal.

16 17. I have been advised by security personnel and law enforcement to  
17 move my personal residence, which I have done. I also moved my church's location  
18 where I preach as a Christian ordained minister. I have received numerous death  
19 threats, all of which have been reported to the appropriate authorities. Because of  
20 security concerns, the authorities advised me not to release the details of which law  
21 enforcement agencies have received those reports. The death threats include, but  
22 certainly are not limited to, the following:

23 "I am ready to die for MUHAMMAD (PBUH) and I would Like to  
24 Kill all Those Who contributed in the Shape of Acting or Financially  
or any other Kind of Support in Shameless Movie."

25 "And If You Wanna to save your life and we consider your innocent  
26 then Just Kill Sam and Terry Jones."

27 "Dear the end is near."  
28



1 "It's all a big joke. She will be Killed by some one who loves and  
cares our Prophet Muhammad peace be upon him"

2 "She will know what she did now she is saying sorry about that"

3 Copies of these threats are attached hereto as Exhibit B.

4 18. I have filed an application to register my acting performance in *Desert*  
5 *Warrior* work with the United States Copyright Office. Attached as Exhibit C is a  
6 true and correct copy of my copyright application.

7 I declare under penalty of perjury under the laws of the United States of  
8 America that the foregoing is true and correct.

9 Executed on this 12th day of October, 2012, at Bakersfield, California.

10 See attached faxed signature

11  
12 Cindy Lee Garcia

Christian ordained minister. I have received numerous death threats, all of which have been reported to the appropriate authorities. Because of security concerns, the authorities advised me not to release the details of which law enforcement agencies have received those reports. The death threats include, but certainly are not limited to, the following:

"I am ready to die for MUHAMMAD (PBUH) and I would Like to Kill all Those Who contributed in the Shape of Acting or Financially or any other Kind of Support in Shameless Movie."

"And If You Wanna to save your life and we consider your innocent then Just Kill Sam and Terry Jones."

"Dear the end is near."

"It's all a big joke. She will be Killed by some one who loves and cares our Prophet Muhammad peace be upon him"

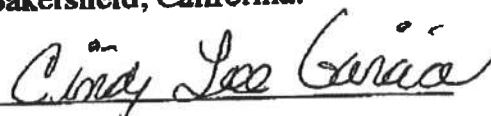
"She will know what she did now she is saying sorry about that"

Copies of these threats are attached hereto as Exhibit B.

18. I have filed an application to register my acting performance in *Desert Warrior* work with the United States Copyright Office. Attached as Exhibit C is a true and correct copy of my copyright application.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

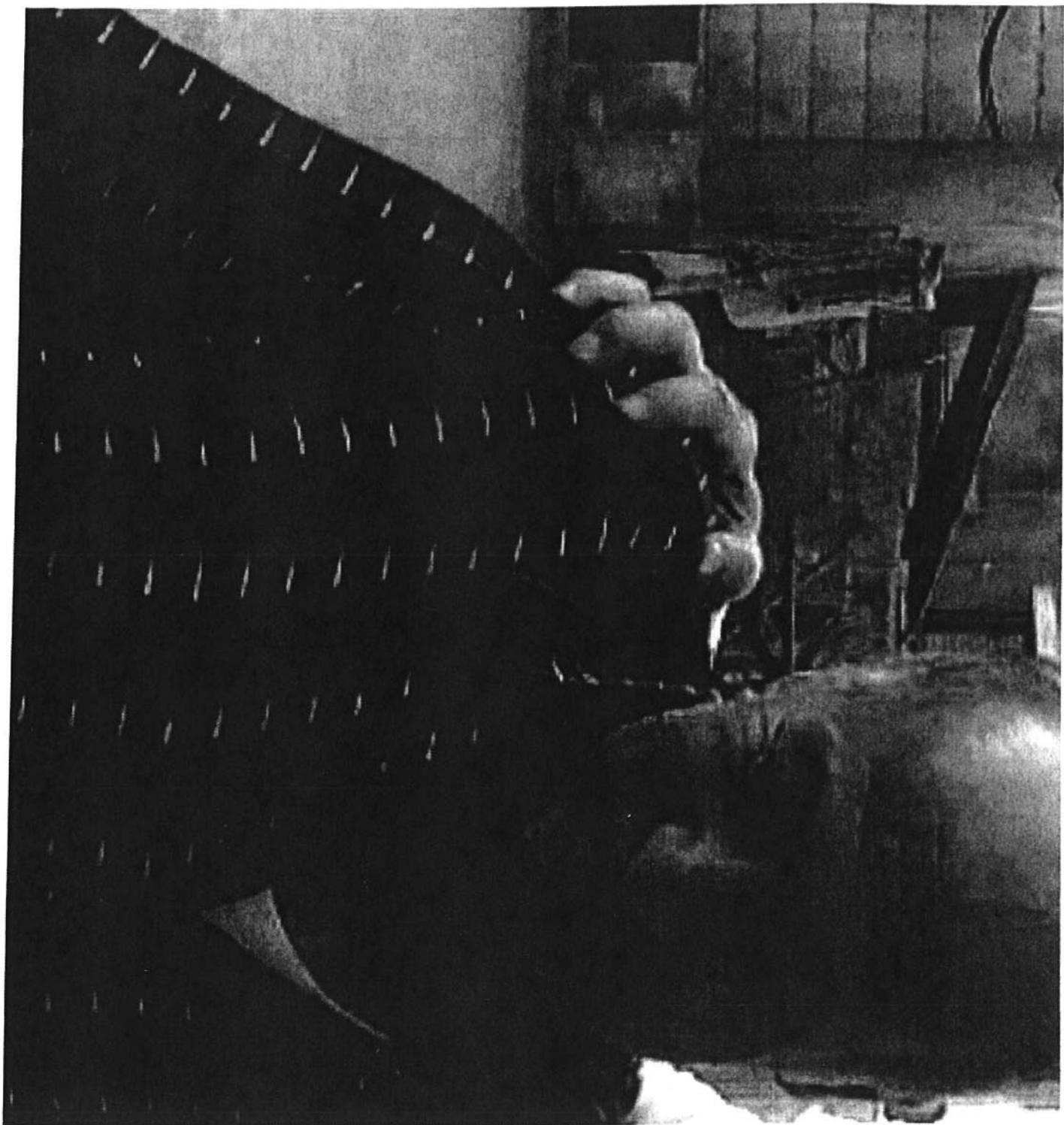
Executed on this 12th day of October, 2012, at Bakersfield, California.

  
Cindy Lee Garcia 10-14-12

DECLARATION OF CINDY LEE GARCIA  
CV 12 8315 (VBKx)

EXHIBIT A.

ER200




ER201

## EXHIBIT B

ER202

25

Search for people, places and things



Cindy Lee Garcia

FAVORITES

News Feed

Messages

Other

Events 10

ADS

Ads Manager

PAGES

Cindy Lee Garcia 14

Sugar & Spice & Company

Flame Of Fire Outreach

Like Pages

APPS

App Center 10

TopFace 20+

Slotomania 4

Truth Game

Are You Interested? 11

Status Shuffle

Photo Contest 1

21 questions 6

Zoosk 6

Truths About You 2

Photos

My Friend Secrets 3

Games Feed 29+

GROUPS


KERN COUNTY YA... 20+

Body Of Christ 20+

Create Group...


MORE

Sami Ullhaq




Sami Ullhaq

cindy lee i want to kill you... why you make the Muslims...If i reached to you than i finish you to kill uuuuuu.....



Sami Ullhaq

If i find u any where i will fuck u deep bitch



Sami Ullhaq

If i find u any where i will fuck u deep bitch

Write a reply...

Wikipedia

On this day in 1859, American abolitionist John Brown led a raid on the Harpers ...

John Brown's raid on Harp...

Eric Reed and Kraza Rock are now friends.

Dan Marquardt earned Medium Key Stone Reward on Bejeweled Blitz.

Greg Mitchell commented on Dave Flood's photo: "Ya Buddy!"

Vinny's Bar and Jimmy Clip are now friends.

Michael Lewis and Martika Halcomb are now friends.

Robert Miller likes Jonny William Campbell's status.

Brenda Winans

SHORT SALES - Time is ticking with the two laws in place through the end of 2012...

Glenn Beck added a new

Almee Lee Diosi

BJ Fuller

Clay Beaudette

Don Martin

Donna Perez

Justin Dane Chambers

Keasha Willingham-Bric...

Kristy Marie Rodriguez

Madeleine Shepherd Ma...

Mahmoud Ahmed Emara

Mary Miller

McNally's Fairview Lodge

Neil Agness

Nikki Kor

Nina Shaki Gomez

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ER203

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## (1) Messages

Page 1 of 1

Search for people, places and things

**Clody Lee Garcia** **Nuraddeen Dauda Kurfi** Search Results Actions Search This Page

**FAVORITES**

- News feed
- Messages 99+
- Other
- Events

**ADS**

Ads Manager

**PAGES**

- Sugar & Spice & Co.
- Cindy Lee Garcia 30+
- Like Pages

**APPS**

- App Center 30+
- Photo Contest
- Zoosh
- Are You Interested? 30+
- 21 questions
- Truths About You
- Storiama
- Games Feed 30+

**GROUPS**

- Body Of Christ
- KITH COUNTY YAR 30+
- Create Group...

**More**

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**No Prop 37**

Prop 37 would require family food costs to be \$400 per year, not \$100. This is the truth...

**Like · Don't Forget to Like This**

**Yes on Proposition 31**

The CA Republicans endorsed Prop 31 to increase government oversight.

**Like · Don't Forget to Like This**

**Claim your business here**

Realize your business with a Facebook business listing. Is your business search results?

**Pedro Rios for California State...**

Ranchers and farmers want Pedro Rios! Vote Rios for CA's 13rd district!

**Like · Retire 1 5/18/12 11:5**

**Donna Carpenter shared**  
Donna Carpenter shared a photo. Click on the photo to see more.

**Fatima Elbrahim likes**  
Fatima Elbrahim likes Mike Carroll's photo.

**Mike Carroll**  
Mike Carroll uploaded a photo.

**Paul Schnell is listening**  
Paul Schnell is listening to "Bitches by Justice" (Kanye West) on Spotify.

**Mc Pointer commented on his own status**  
Mc Pointer commented on his own status: "See Jane Smith. Thank you!"

**Lisa Rayburn Hayes commented on John Jordan's post**  
Lisa Rayburn Hayes commented on John Jordan's post in Prayer Requests & Praise Requests: "One of my favs!"

**Bakersfield Marriott Recaptions shared**  
Bakersfield Marriott Recaptions shared Bakersfield Marriott's photo.

**Donna Perez commented on her own photo**  
Donna Perez commented on her own photo: "Meeting some snow birds. Must..."

**Mc Pointer commented on his own status**  
Mc Pointer commented on his own status: "Alma Warren, Thank you!"

**Show Older**

**Amiee Lee Diers**

**WJ Miller**

**Roby Marie Rodriguez**

**Lauryn Wittingham**

**Nick Flavel**

**Nadi Kor**

**Nina Shaki Gomer**

**Robbie Lee Actor**

**Tammy AngelFace Knight**

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ER207

Search for people, places and things

Flame Of Fire Outreach Home

Flame Of Fire Outreach Messages

Create Page

See Your Ad Here

Flame Of Fire Outreach

LionZaid Hamid

Messages Actions Search This Conversation

September 17

LionZaid Hamid  
it is my obligation that i tell you about the true way . now your wish..search on true way..death is near to you

Reply

We are all about  
Reaching the lost &  
Jesus & doing the work  
of the Lord

Like Flame Of Fire  
Outreach likes this

Advertise Your Page

Search for people, places and things

Flame Of Fire Outreach Home

Flame Of Fire Outreach Messages

Create Page  
See Your Ad Here

**LionZaid Hamid**

Messages Actions Search This Conversation

September 17

**LionZaid Hamid**  
It is my obligation that I tell you about the true way...now your  
watch..search on true way..death is near to you

Reply

God has been good to  
me Oh God has been  
good to me !!  
Watch out my Christian  
brothers and sisters and  
see how good he is...

Like This Page  
Promote Your Page







facebook

14 Notifications

Search for people, places and things

Search

Cindy Lee Garcia Home

Cindy Lee Garcia

All Abdulrehman

Messages Actions

Search the Conversation Conversa

FAVORITES

News Feed 0

Messages 99+

Other 0

Events 10

ADS

Ads Manager 0

PAGES

Cindy Lee Garcia 17

Sugar & Spice & Company 0

Flame Of Fire Outreach 0

Like Pages 0

APPS

App Center 7

TopFace 20+

Slotomania 4

Are You Interested? 11

Photo Contest 1

Truth Game 0

21 questions 6

Zoosk 6

Truths About You 2

Games Feed 20+

GROUPS

KERN COUNTY YAR... 20+

Body Of Christ 20+

Create Group... 0

MORE

Ali Abdulrehman

September 24

Sponsored

Sponsored Create an Ad

Mohammed Tirafi, Rhonda S. Edwards and Ruth Ramsey Shepherd

Elle May

Share · 5 hours ago via mobile ·

Top of a wonderful day to all and god bless each of us.

3 people like this.

MissMeek Kirkpatrick Tha Locc HAVE A GOOD DAY 2 minutes ago

Clay Beaudette Have a great day Elle May about a minute ago

Lose 7lbs / week

Cut down 7 lbs / week by following this surprising diet tip.

Like · 16,322 people like this.

Pepsi's Super Bowl Halftime Show

Be the first to know about the Pepsi Bowl Halftime performer!

Join · 4,612 people are going.

Cindy Lee Garcia

dear sir we are trying so hard to take this evil film down, we had no idea Sam Bassil was going to make this evil clip

Ali Abdulrehman

Ok

All is typing ...

Link

Link

facebook

Cindy Lee Garcia

Messages


Highlights

Hany Reda

Messages

Actions


Search This Conversation



Hany Reda

September 13

Get a real job and stop insulting other religions. Bitch




Cindy Lee Garcia

October 6

I did not insult any religion, that man dubbed over my words. Watch the news. Thank you

Hany is typing ...



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Link

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https://www.facebook.com/pages/Cindy-Lee-Garcia/220935674598395?sk=messages\_inbox&action=read&tid=Id.467968766568352[10/16/2012 10:07:04 AM]

ER213

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Search

Flame Of Fire Outreach Home

Flame Of Fire Outreach Messages Highlights

LionZaid Hamid

Messages Actions

Search This Conversation

LionZaid Hamid

September 17

It is my obligation that I tell you about the true way...now your wish..search on true way..death is near to you

LionZaid is typing ...

Link

Link

Create Page

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church service was good to day, got bulletins made, and all went smoothly Love Donna

Praise the Lord we have a new building, wonderfu...

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https://www.facebook.com/FlameOfFireOutreachChurch?ref=hl#/FlameOfFireOutreachChurch?sk=messages\_inbox&action=read&tid=id.460864157292198[10/16/2012 10:19:49 AM]

ER214

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facebook

Search for people, places and things

Cindy Lee Garcia Home

Cindy Lee Garcia

Messages

Highlights

+ Create Page

See Your Ad Here

The Innocence of Cindy

Search This Conversation

Like This Page

Promote Your Page

Mohamed Hassan Shedeed

Messages

Actions

Search This Conversation

Mohamed Hassan Shedeed

September 12

SHAME ON YOU MAKE SUCH A FILM YOUR AMBASSADOR IS KILLED BECAUSE OF YOU AND ALL OF THE CAST

Cindy Lee Garcia

October 8

no it was not because of me, the man who dubbed over my words hurt the people and brought out anger in there hearts, then they killed the Ambassador who loved the Libyan people sir. Please do not blame the innocent

Mohamed Hassan Shedeed

October 10

No but you are also to blame because u have to be sure with whom you are working and also monitoring your work not just take the money and they do what they want to do with your film shots ,anyway I saw your apologize on Dream TV and you made me respect you because of that .

Cindy Lee Garcia

October 10

I agree with you about monitoring the people and you can be sure from now on I will be very careful what I do. I will never work with anyone who I do not investigate first. Thank you for your advice, however I was thinking the same thing. I felt so foolish. I have hurt in my heart for this. And the little money I made on this film barley paid for gas and a little left over. I live a long way from where the movie was filmed. Also the other scenes that they filmed sexual content, they did not do that while I was on the set. They added that In while I was finished with my work, that was terrible to me to be involved in that film in every aspect. Then when people were killed I prayed to God for his help for everyone. But violence is never right, only to protect our self from someone trying to kill us , my father taught me that. To protect myself if someone tries to hurt me, self defence. But not just to just people because of anger or violence. Sam Bassil was not given my permission to do what he wanted with the movie, I read the contract, I did not permit him to do that. So he is in jail Sincerely Cindy

Mohamed Hassan Shedeed

October 10

Your father's words is totally right ,and most of us is against violence ,please don't be hurted we all took lessons in our life and insisting on fault is the big fault not doing the fault by itself ,we are all doing

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https://www.facebook.com/pages/Cindy-Lee-Garcia/220935674598395?sk=messages\_inbox&action=read&tid=id.490361590974984[10/16/2012 10:05:34 AM]

ER215

facebook

Search

Cindy Lee Garcia Home

Cindy Lee Garcia

FAVORITES

News Feed 0

Messages 99+

Other 0

Events 18

ADS

Ads Manager 0

PAGES

Cindy Lee Garcia 17

Sugar & Spice & Company 0

Flame Of Fire Outreach 0

Like Pages 0

APPS

App Center 5

TopFace 20+

Slotomania 4

Are You Interested? 11

Photo Contest 1

Truth Game 0

21 questions 5

Zoosk 6

Truths About You 2

Games Feed 20+

@Smiles 0

GROUPS

KERN COUNTY YAR... 20+

Body Of Christ 20+

Create Group... 0

pop up and return

Mohammed El Berkenli

Messages

Mohammed El Berkenli

Good day

i wanna tell you as a muslim i am sorry what happent about that movie i am also very mad about the movie but i belive you what you say i am sorry for all what happent i have see it i see that the back ground is add after the record and more things

good luck with everthing

Cindy Lee Garcia

you are so right and i feel the same way, i am so sorry, i would not hurt anyone like that

Mohammed El Berkenli

Its ok i k nothing understa you a gd movie at ohter ba

Cindy Lee Garcia

But dont that you

good luck

Cindy Lee Garcia

pop up and return

yes the man that did this deceived us very much

Mohammed is typing ...

Lorra

Like · [Comment](#) · Share · a few seconds ago near Bakersfield · [Blow & Go Bakersfield's Only DogBar will be open](#)

Alvin Valentyn

Like · [Comment](#) · Share · 3 minutes ago via mobi Hi. How are you today?

Fati

Write a comment...

Fatima Ebrahim hi, all good, happy and at peace. n you? a few seconds ago · Like

Write a comment...

STARTS IN THE CLASSROOMS

million in education programs in San Joaquin Valley.

No Credit Check Required!

americanexpress.com

It won't affect your credit rating, and there's no credit check required. Get yours today.

No Prop 37

Why would some pizza need to be labeled, but other pizza wouldn't? Look into the facts...

You and Donna Carpenter like this.

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Link

Link

0

Chat (14)

**facebook**

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Cindy Lee Garcia Home

Cindy Lee GarciaMessagesHighlights

Muhamad Holi

September 27

O enemy of Allah If you are insulting Mohammed prophets life will suffer forever never let you live it freely, sore and painful wait for reply

Cindy Lee Garcia

October 8

sir I did not insult the Prophet, I was in a movie called Dessert Warrior, The MAN Sam Bassil dubbed over my lines and other actors, He also added scenes into the film when I was not on set, I would never be involved in a film like that.

Muhamad Holi

October 11

I apologize if the wrong people, because we Muslims are very angry with the movie Insults our prophet  
I'm sorry

Cindy Lee Garcia

October 11

I know you are angry and so am I . This man made me look very bad, and I am not that kind of woman

Muhamad Holi

12 hours ago

where are you came frome,can we friend to undertand our religion

Muhamad is typing ...

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The Innocence of Cindy


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**Cindy Lee Garcia** Messages Highlights


**Muhammad Sumair** Messages Actions


**Muhammad Sumair** September 15  
are u mad u r dirty bitch i kill u stop the film otherwise kill u



**Cindy Lee Garcia** September 16  
I did not make the film nor did i write it, the man that did is in jail now, he dubbed over my words and the only role i played was a mother of a young girl, this movie was called Dessert Warriors, every scene i was in there were no words except praise God. And my script had the name master george, this man who came in behind this clip but the words over what i said. I never spoke of Mohammad and i really am sorry tht you were hurt by this so was i

**Cindy Lee Garcia** September 16  
please dont make threats... Love the photo of the baby

Muhammad is typing ...



 **Link** Link

**Cindy Lee Garcia**  
Training models male & female ages 13 to 40 +  
 Like · Cindy Lee Garcia likes this.  
**Advertise Your Page**

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https://www.facebook.com/...395?sk=messages\_inbox#1/pages/Cindy-Lee-Garcia/220935674598395?sk=messages\_inbox&action=read&tid=id.430328070336817[10/16/2012 10:18:11 AM]

ER218

Case: 12-57302, 03/21/2013, ID: 8559948, DktEntry: 21-1, Page 227 of 246



facebook

Notifications

Search for people, places and things

Cindy Lee Garcia Home


Cindy Lee Garcia

Messages


Highlights

Mukhtar Ahmad


September 13




**Mukhtar Ahmad**  
YOU ARE THE MOST PATHETIC PERSON WHO WILL NEVER UNDERSTAND THE GOD AND WILL NEVER BE PARDONED YOU WILL GO TO HELL



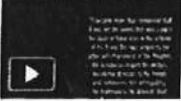
**Cindy Lee Garcia**  
I did not do that sir they dubbed over my voice, the producer did. Also never one time while i was on set did there be any sexual content. Mohammad nor Muslim were never mentioned by anyone while I was there on set. God knows my heart and I know Him. I will not go to hell, I have faith in God And Jesus Christ



**Cindy Lee Garcia**  
I would never say or do anything to hurt another for any reason nor would I put down someone else belief




**Mukhtar Ahmad**  




**What famous people have said about Prophet Muhammad (PBUH)**  
[www.youtube.com](http://www.youtube.com)  
Michael H. Hart of USA who wrote "The 100 most influential persons in history" and placed Prophet Muhammad (peace and blessings of God be upon him) as number...

Share




**Mukhtar Ahmad**  
October 5  



**The Greatest Man Ever Lived**  
[www.youtube.com](http://www.youtube.com)  
Part 1 How the world view the prophet (pbuh) the video is not intended to undermine any other religion or groups. this video is intended for the purpose of d...

Share



**Mukhtar Ahmad**  
October 5

Link

Link

Training models male & female age 13 to 40 +

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ER219

facebook

Search for people, places and things

Cindy Lee Garcia Home

Cindy Lee Garcia

Nuraddeen Dauda Kurfi

September 28

Ill kill who ever have hand in insulting my prophet(s a w)

Cindy Lee Garcia

October 2

Dear sir, i never insulted anyone that man dubbed over my words he put other words in my mouth that is not me speaking those words, sorry for what he did, now he is in jail

Nuraddeen is typing ...

Link

Link

FAVORITES

News Feed 0

Messages 98+

Other 0

Events 18

ADS

Ads Manager 0

PAGES

Cindy Lee Garcia 17

Sugar & Spice & Company 0

Flame Of Fire Outreach 0

Like Pages 0

APPS

App Center 7

TopFace 28+

Slotomania 4

Are You Interested? 11

Photo Contest 1

Truth Game 8

21 questions 6

Zoosk 6

Truths About You 2

Games Feed 20+

bffz 0

GROUPS

KERN COUNTY YAR... 20+

Body Of Christ 20+

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Remember FarmVille?

Start farming again with FarmVille 2. Play on Facebook now!

Raymond Pearson played FarmVille 2.

0

Chat (15)

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Cindy Lee Garcia

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Other 0

Events 10

ADS

Ads Manager 0

PAGES

Cindy Lee Garcia 17

Sugar & Spice & Company 0

Flame Of Fire Outreach 0

Like Pages 0

APPS

App Center 5

TopFace 20+

Slotomania 4

Are You Interested? 11

Status Shuffle 0

Photo Contest 1

Truth Game 0

21 questions 5

Zoosk 6

Truths About You 2

Photos 0

My Friend Secrets 4

Games Feed 20+

GROUPS

KERN COUNTY YAR... 20+

Body Of Christ 20+

Create Group... 0

MORE ▾

Messages

September 17

Welcome

September 17

Cindy Lee Garcia

oh my dear thank you, all I want is to bring peace. This was not the way it was filmed when i was on the set, before God, I tell you. Must bring peace to our suffering world

this film embarased me so much hurt my heart to see it

September 17

I'm sorry for what happened to you

September 17

Cindy Lee Garcia

i am so sorry for everthing

September 17

Can you need me show what Qubla my friendship

Dear I'm afraid you from extremists and terrorists

Be careful

Do Ante busy

Why do not you speak

September 17

Thank you we'll talk later to take a

September 17

Cindy Lee Garcia

I AM SORRY WAS SOMEONE AT MY DOOR

September 18

I want to talk with you a few things if this Alvajk

September 19

http://www.youtube.com/watch?v=NQbnt5ZLRu8

Attachment Unavailable

This attachment may have been removed or the person who shared it may not have permission to share it with you.

September 19

My dear friend this gift to Muslim friend loves you in God in order to know the sweetness of Islam

September 20

I invite you to attend Friday prayers with Muslims to change the image black

September 20

Cindy Lee Garcia

I hope u know I never attacked your faith, that film was supposed to be a different movie. Sam Bassil re dubbed words and put things in that film that I did not know about. I would not hurt anyone like that. I have been trying to tell everyone, I went to court today to try to get youtube and google to take it off there

September 20

Cindy Lee Garcia

It is wron what that man did, please look close to my mouth when the words are being spoken I am saying something different

I am sorry for your pain. I love God

and I love people

Robyn Rondolet D'Amico

Dear Robyn,

Like [Facebook](#) about an hour ago

Good Morning Everyone We haven't had a quest the day today....

Is your biggest fear? Let's all exchange our thoug each other on this. Feel free to comment on each posts as it's good to share thoughts and feelings.

Ed Gerbe

I really don't have a big fear or fears at all matter. If anything I'd hate for my children to pass a before I do. I realize its in God's hands though.

a few seconds ago · Like

Write a comment...

Be a Counselor in 1YR -CA

counseling.degreeink.org

Christians can help! Become a Counselor in CALIFORNIA! Request degree info here.

Chevron in Bakersfield

chevron.com

CALIFORNIA'S FUTURE STARTS IN THE CLASSROOMS.

We agree. We're investing over \$1.5 million in education programs in San Joaquin Valley.

No Prop 37

Why would some pizza need to be labeled, but other pizza wouldn't? Look into the facts...

You and Donna Carpenter like this.

1 • Chat (10)

I have been hurt over all this and lied about

September 20



Can I ask you a favor



Cindy Lee Garcia

yes

September 20



Do me be your friend more serious friendship

September 21



Hello

September 24



Cindy Lee Garcia

I am married

September 24



In order to know what the problem

September 24



Cindy Lee Garcia

we r taking it off theYou Tube working very hard to do that

September 24



I can be a loyal friend to you what your opinion

Do you accept my friend I want a response

September 24



Welcome my friend

September 27



Cindy Lee Garcia

WHAT WAS THE FAVOR U WANTED

September 27



Nothing just friendship

September 27



Cindy Lee Garcia

FRIENDSHIP IS GOOD

September 27



Do you consider this acceptance

September 27



Cindy Lee Garcia

yes

September 27



I am very happy with this friendship

September 27



Good evening

September 28



hi

October 8

Cindy Lee Garcia

hello

October 8



Cindy Lee Garcia  
how r u today

October 8 11



I'm good

October 8 11



What's new in your case

October 8 11



Cindy Lee Garcia  
we are working so hard  
Sam is in Jail

October 8 11

we are trying to get this clip of the internet  
I am going to write a book I am working on it right now  
I am suing google and you tube what they did all of them was wrong  
I believe in freedom of speech, but not to hurt others  
I pray all the time for the Lord to help me do the right thing  
we do have a good plan in this, I believe it will work  
but we must all work together  
do you have any power with the people where you are from



Can I help you with anything

October 8 11



Cindy Lee Garcia  
I need to talk to people that are very well versed in the Koran both i  
guess you would say radical and nor radical but still very committed to  
their belief, so important to a book that I am in the middle of writing,  
everyones voice needs to be heard  
I am a Christian I love God, I would never hurt anyone like that, nor  
would I be in a film where there was sexual content  
The book I am writing I want everyone side to come out  
I have some Muslim friends, they talk to me, they are wonderful  
people  
dedicated and committed and kind

October 8 11



I want to go to prayer and I'll be back after five minutes

October 8 11



Cindy Lee Garcia  
I would like to talk also to some one who is radical so I can feel all that  
is in there heart and why they go to such extreme, I would not judge  
them, but my heart breaks for the hurt and anger they feel  
I do not agree with violence, God has changed my heart in so many  
ways since I put my faith in Hi, I want to bring understanding and  
peace, so in the book I write I would not change a word. I would just  
put everyones heart and views including my own  
Let me know if you can help. Also I have to come up with money to  
keep fighting in court, I am not wealthy, but I am doing the best I can,  
my lawyer is helping me

October 8 11



I will collect money for the cause  
There is no problem in terms of money

October 8 11



Cindy Lee Garcia  
Oh dear Lord thank you  
is there some one who can please talk to me about the Koran from  
there heart

October 8 11



What is your bank account number

October 8



**Cindy Lee Garcia**

Both a radical Muslim and a Muslim who is very well versed and does not believe in violence. It is so important to me writing this book, I have prayed. I believe it is God's will, we all need understanding. Also we go back to court soon, and I am trying to get this film out of his hands so he can no longer hurt people

October 8



**Cindy Lee Garcia**

I am wanting to go into the jail and meet him face to face, I have a legal law suit against him  
but it is because i want this clip off the internet

October 8



I want to show you the Quranic verse indicates that you are innocent  
After tomorrow I get section and I will send you

October 8



**Cindy Lee Garcia**

ok, that will be good, I know you do not have a photo of yourself posted may I have a photo of you so I can know who I am talking too.  
Sincerely Cindy

October 8



I have a picture in my personal Wear orange shirt  
You put a photograph me

October 8



**Cindy Lee Garcia**

thank you  
i posted on ur page

October 8



I contacted my friend and asked for a copy of the film and said I would try to get them through hacking

October 8



**Cindy Lee Garcia**

please do not post it anywhere, we want it taken down, but you can see where they put words over my words, there is one small part of me in the film

October 8



Yes, he says you must select the section that you wanted  
My friend say you is sexy clip you want

October 8



**Cindy Lee Garcia**

I was not in any sexual content at all. I just had a speaking part to the man who played my husband  
i have to take my boy to school b back

October 8



Good will work within a quarter of an hour

October 8



**Cindy Lee Garcia**

ok, but do not post anything on the internet, we have to get this off here

October 8



My dear friend every day increases my admiration for your  
I love all the people fighting for principles

October 9



**Cindy Lee Garcia**

be with you shortly

October 9





Welcome my dearest friends  
Are you busy

October 19

الرسائل - Messages

 **Cindy Lee Garcia** October 10  
yes my friend

 **Good morning** 15 hours ago  
I want you to answer explicit  
Farewell with your friendship I want to admit that you that you have  
caused grievous hurt to a Muslim family

 **Cindy Lee Garcia** 10 hours ago  
I am so sorry for the hurt, that was never my intention, I thought you  
realized that the man who made the movie dubbed over our voices put  
words in our mouth that we did not say. All the sexual content in the  
film was not filmed while I was on the set. It has been proven here in  
the USA, I am so sorry for your pain. I would never try to hurt anyone  
like that.  
I pray for peace for all Cindy

 is typing ...

You can no longer message . [Learn more.](#)

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Events

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0

PAGES

Cindy Lee Garcia

17

Sugar & Spice & Company

0

Flame Of Fire Outreach

0

Like Pages

0

APPS

App Center

5

TopFace

20+

Slotomania

4

Are You Interested?

11

Photo Contest

1

Truth Game

0

21 questions

5

Zoosk

6

Truths About You

2

Games Feed

20+

GROUPS

KERN COUNTY YAR...

20+

Body Of Christ

20+

Create Group...

0

MORE

Shehrazade Shah

September 24

thank you for your efforts at having the film removed. I doubt that you will be successful, unless you get some powerful force behind you... It is your effort, your courage that is so admirable... although the reasons to you are personal, I just wanted you to know, that our prayers are with you...

What I fear most for you, is not the repercussions by some fanatic Muslims... they haven't even thought about the actors.... yet... but the people whose noses you will put out of joint by raising the legal aspect of the violation.... you should have success, for it is quite clear cut...

I'm sure that your lawyer knows best... wishing you safety and happiness.. hope it doesn't affect your future career in any way!

best regards!

Cindy Lee Garcia

October 8

Thank you for getting back to me, I believe we will take this off the Internet, I want to bring peace not just for me but for everyone who this film hurt. I am so sorry to all this film hurt. Had I known he was going to do anything like this, I would never had been involved in any way, I would have reported him to authorities

Shehrazade Shah

Sunday

thank you for your concern.. there are many of us who want peace.. not just in our immediate environment but in the world.. peace between all the religions and nations... and also to remove poverty so people can live without disparity.... wish you good luck in your endeavours.. do keep in touch! perhaps you would like to join our group that has people from all across the world of all religions, that want to work in educating people to remove hatred and poverty through education? let me know, and I'll add you! and do let me know if there's anything I can do for you! all the best!

Cindy Lee Garcia

Sunday

What information can you send me please ??

Shehrazade Shah

Sunday

what information would you need? we have formed a group that want to eradicate disparity and enmity in the world.... through education we want to bridge the vast schisms that the countries and societies world

Write a reply...

Link

Lorra

Like · Comment · Share · 2 minutes ago near Bakersfield

Blow & Go Bakersfield's Only DryBar will be open

Alvin Valentyn

Like · Comment · Share · 4 minutes ago via mobile

Hi. How are you today?

Write a comment...

Fauma Ebrahim ni, all good, happy and at peace. Hi you?

2 minutes ago · Like

Write a comment...

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work in the San Joaquin Valley.

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Chat (13)

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➤

(13) Xaadi Milan - Messages

facebook

Cindy Lee Garcia

13

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Cindy Lee Garcia

Home

4 Messages

Actions

Search This Conversation

Xaadi Milan

bloody bitch u r fuck by me dick eater u r unknown father

September 23

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SEIU California

Stand with Governor Brown and say Yes to Prop 30 - help fix our budget mess. Like today.

YES 30

Like · 7,529 people like this.

September 22

Xaadi Milan

I am so so sorry i can msg to my x gf but in emergency it can be sent to you again i am really sooo soooo soooooo sorryyyyyy plzzzz

September 22

Cindy Lee Garcia

forgiven I hope you can forgive her too

Xaadi is typing ...

Link

Link

FAVORITES

News Feed

99+

Messages

0

Other

0

Events

18

ADS

0

Apps

App Center

7

TopFace

20+

Stomani

4

Are You Interested?

11

Photo Contest

1

Truth Game

0

21 questions

6

Zook

6

Truths About You

2

Games Feed

20+

My Personality

0

GROUPS

KERN COUNTY YAR...

20+

Body Of Christ

20+

Create Group...


0

more

https://www.facebook.com/#/messages/?action=read&id=15675241130405[10/16/2012 9:56:57 AM]

ER227

(13) Xaadi Mian - Messages



**Debbie Braashear**  
Traveling Nurse at Core Medical Group

See Friendship  
27 mutual friends

See all photos

Create · See All

Be Ca We Oc at Cl m La Ca -t Oc m yo Se Jo En Pe To m yo Jo

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**Form PA**  
For a Work of Performing Arts  
UNITED STATES COPYRIGHT OFFICE  
REGISTRATION NUMBER

PA PAU  
EFFECTIVE DATE OF REGISTRATION  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**TITLE OF THIS WORK ▼**

"Desert Warrior"

**PREVIOUS OR ALTERNATIVE TITLES ▼**

"Innocence of Muslims"

**NATURE OF THIS WORK ▼ See Instructions**

Audio-visual work, pertaining to Cindy Lee Garcia's dramatic performance in "Desert Warrior" and put on film

2

**NAME OF AUTHOR ▼**

Cindy Lee Garcia

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼  
1957 NA

Was this contribution to the work a  
"work made for hire"?  
☐ Yes  
☒ No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country  
OR Citizen of U.S.A.  
Domiciled in

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**  
Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No  
If the answer to either of these questions is "Yes," see detailed instructions.

**NOTE**

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼  
Dramatic performance in film entitled "Desert Warriors" affixed to film

**NAME OF AUTHOR ▼**

Cindy Lee Garcia

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼

Was this contribution to the work a  
"work made for hire"?  
☐ Yes  
☒ No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country  
OR Citizen of U.S.A.  
Domiciled in

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**  
Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No  
If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼  
Dramatic performance fixed in tangible medium of expression (i.e. film)

**NAME OF AUTHOR ▼**

Cindy Lee Garcia

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼  
1957

Was this contribution to the work a  
"work made for hire"?  
☐ Yes  
☒ No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country  
OR Citizen of U.S.A.  
Domiciled in

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**  
Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No  
If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

**YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED**  
2011  
This information must be given in all cases.

**DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**  
Month July Day 2 Year 2012  
Complete this information ONLY if this work has been published.  
only partially published. U.S.A. Nation

4

**COPYRIGHT CLAIMANT(S)** Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Cindy Lee Garcia c/o The Armenta Law Firm, 11900 W. Olympic Boulevard, Suite 730, Los Angeles, CA 90064

**TRANSFER** If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

[Ms. Garcia did not sign any work for hire agreement nor a release or relinquishment of her rights when she acted in "Desert Warrior."]

**MORE ON BACK ▶** • Complete all applicable spaces (numbers 5-9) on the reverse side of this page  
• See detailed instructions • Sign the form at line 6

**APPLICATION RECEIVED**

ONE DEPOSIT RECEIVED

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FORM PA

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YesFOR  
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ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐ If your answer is No, do not check box A, B, or C.a. ☒ This is the first published edition of a work previously registered in unpublished form.b. ☒ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.  
Preexisting Material Identify any preexisting work or works that this work is based on or incorporates ▼

a 6

See instructions  
before completing  
this space

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Garcia gave a dramatic performance for "Desert Warrior" fixed in film in 2011. Since then, the producer of the film altered her performance, dubbing in words she did not say, and changing the film's intent and name to "Innocence of Muslims." b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip ▼

M. Cris Armenta, The Armenta Law Firm APC, 11900 W. Olympic Boulevard, Suite 730, Los Angeles, CA 90064 b

Area code and daytime telephone number ( 310 ) 826-2826

Fax number ( 310 ) 826-5456

Email [cris@crisarmenta.com](mailto:cris@crisarmenta.com)

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▶

- ☒ author  
☐ other copyright claimant  
☐ owner of exclusive right(s)  
☐ authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Cindy Lee Garcia

Date September 25, 2012

Handwritten signature (s) ▼

See attached faxed signature

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▼

Number/Street/Apt ▼

City/State/Zip ▼

## YOU MUST

- Complete all necessary spaces
- Sign your application in space 8
- STAPLE ALL SECTIONS
- MAIL SAME PACKAGE

## 1. Application form

- 2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
- 3. Deposit material

## MAIL TO

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Washington, DC 20540-4230

9

\*17 U.S.C. §508(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

3'd

SEP-25-2012 13:41

ER232



**Cris Armenta**

---

**From:** Copyright Office <cop-rc@loc.gov>  
**Sent:** Tuesday, September 25, 2012 10:42 AM  
**To:** Cris Armenta  
**Subject:** Acknowledgement of Receipt

Thank you for submitting your registration claim using the electronic Copyright Office (eCO) System. This email confirms that your application and payment for the work Desert Warrior were received on 09/25/2012. The following applies to registration claims only (not preregistrations):

The effective date of registration is established when the application, payment AND the material being registered have been received. If you have not yet sent the material to be registered, logon to eCO ([https://eco.copyright.gov/eService\\_enus/](https://eco.copyright.gov/eService_enus/)) and click the blue case number associated with your claim in the Open Cases table, then do one of the following:

**Upload a digital copy (if eligible):** Click the "Upload Deposit" button at the top of the Case Summary screen, then browse and select the file(s) you wish to upload. Be sure to click the "Upload Complete" button on the Case Summary screen when you have finished uploading your file(s). Note: only certain categories of works are eligible to be registered with digital copies (See FAQs: [http://www.copyright.gov/eco/faq.html#eCO\\_1.4](http://www.copyright.gov/eco/faq.html#eCO_1.4) and <http://www.copyright.gov/eco/help-file-types.html>).

**Mail a physical copy(ies):** Click the Create Shipping Slip button at the top of the Case Summary screen, then click the Shipping Slip link that appears in the Send By Mail table. Print out and attach the shipping slip to the copy(ies) of your work. For multiple works, be sure to attach shipping slips to the corresponding copies.

A printable copy of the application will be available within 24 hours of its receipt. To access the application, click the My Applications link in the left top most navigation menu of the Home screen.

You will be issued a paper certificate by mail after the registration has been completed.  
You may check the status of this claim via eCO using this number 1-828151641. [THREAD ID: 1-DP2T9R]

United States Copyright Office

**Cris Armenta**

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**From:** Copyright Office <cop-rc@loc.gov>  
**Sent:** Tuesday, September 25, 2012 10:54 AM  
**To:** Cris Armenta  
**Subject:** Acknowledgement of Uploaded Deposit

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Thank you for submitting your registration claim using the Electronic Copyright Office (ECO) System.

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[THREAD ID: 1-DP30BR]

United States Copyright Office

**Heather Rowland**

---

**Subject:**

**FW: Case# 1-828151641 Cindy Lee Garcia**

**Attn: Marti/212230**

**From:** ctinfo [mailto:ctinfo@loc.gov]  
**Sent:** Wednesday, September 26, 2012 11:22 AM  
**To:** Heather Rowland  
**Cc:** ctinfo  
**Subject:** RE: Case# 1-828151641 Cindy Lee Garcia Attn: Marti/212230

Heather Rowland,

That's fine.

Kind Regards,

Contractor to LOC/Copyright Technology Office  
Library of Congress  
101 Independence Ave, SE  
Washington DC 20540  
Office # 202-707-3002

mw

**From:** Heather Rowland [mailto:heather@crisarmenta.com]  
**Sent:** Wednesday, September 26, 2012 2:21 PM  
**To:** ctinfo  
**Subject:** RE: Case# 1-828151641 Cindy Lee Garcia Attn: Marti/212230

I will mail a copy on DVD/R and it will be to your office tomorrow via FedEx. Does that work?

Thanks,

Heather Rowland  
Assistant to M. Cris Armenta  
The Armenta Law Firm APC  
11900 Olympic Boulevard, Suite 730  
Los Angeles, CA 90064  
(310) 601-8715 Direct  
(310) 384-3548 Cell  
(310) 826-5456 Fax  
[www.crisarmenta.com](http://www.crisarmenta.com)

**From:** ctinfo [mailto:ctinfo@loc.gov]  
**Sent:** Wednesday, September 26, 2012 11:19 AM  
**To:** Heather Rowland  
**Cc:** ctinfo  
**Subject:** RE: Case# 1-828151641 Cindy Lee Garcia Attn: Marti/212230

Heather Rowland,

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If you continue to experience problems please phone for assistance.

Kind Regards,

Contractor to LOC/Copyright Technology Office  
Library of Congress  
101 Independence Ave, SE  
Washington DC 20540  
Office # 202-707-3002  
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mw 2122230

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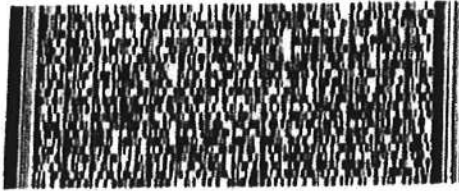
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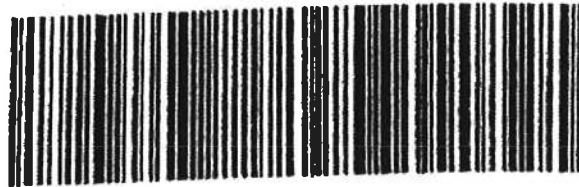
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